

CALIFORNIA LEGISLATURE.

The Reilly Funding Bill Discussed in the Senate.

McGowan's Substitute Adopted and Telegraphed to Washington Without Being Sent to the Assembly—Then Another Joint Resolution is Adopted—The Assembly Calling Its Attaches to Time—A Bill to Prohibit Dancing in the Capitol.

Interest in the Senate yesterday centered upon the disposition of the several resolutions relating to the defeat of the Reilly funding bill. It was no secret that McGowan's substitute would be adopted, but the action taken in forwarding it to Washington without the concurrence of the Assembly, was without a precedent in the history of the State.

A bill to provide for the deficiency in the appropriation for the State Printing Office was passed. The bill makes \$50,000 as the sum necessary.

There was not much of importance done in the Assembly yesterday, but a number of bills were introduced, as well as some constitutional amendments offered.

Hatfield offered one of the latter, providing for a Chief Justice and nine Associate Justices of the Supreme Court, and three departments.

Laugenour introduced a bill to prohibit dancing in the Capitol building.

Bolshaw introduced a resolution looking to cutting down the list of attaches.

By a resolution of Ewing, the roll of attaches will be called at 9 a. m. each day.

Dixon introduced a bill providing for the purchase for State institutions of supplies of California production or manufacture; that other supplies be of American production or manufacture; that no supplies shall be the product of penal or Chinese labor; and regulating the award of contracts therefor.

Thomas introduced a bill providing for a general primary election, and Wade one authorizing suits against the State.

McKelvey introduced one authorizing the State Prison Directors to establish a cordage factory at Folsom State Prison.

SENATE.

At 10:20 o'clock yesterday the Senate met pursuant to adjournment, with President pro tem, Flint in the chair.

Prayer was offered by the Chaplain, Rev. G. A. Ottmann.

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

The special order for the consideration of A. J. R. 2, S. J. R. 3 and a substitute for the latter, relative to the Reilly funding bill, was owing to the absence of a number of Senators, continued until 11 o'clock.

Senator Earl called for the special order relative to the adoption of the report of the Committee on Issues.

By a unanimous vote the rules reported back by the committee were adopted.

Senator Hart called up a report of the Committee on Attaches, and L. N. Terrill was allowed \$5 for two days' services as Gatekeeper of the Senate.

Senator Hart called up a resolution providing that M. Greenwood, H. R. West, A. L. Rossi, H. Lorentzen, L. M. Kincaid, A. C. C. Taylor, S. J. Caldwell, J. A. Kelley, J. W. Turner and H. L. Carter be appointed attaches to the Senate, and which had been reported back without recommendation, was laid upon the table by a vote of 25 to 5.

REPORTS OF STANDING COMMITTEES. Senator Hart, Chairman of the Committee on Constitutionality, today reported back S. C. A. 2, with a recommendation that it be adopted.

Also S. C. A. 11, relative to poll-tax, was reported back without recommendation.

Labor and Capital, Hoyt (Chairman) reported back S. B. 255, to repeal an Act to create a Bureau of Labor Statistics, without recommendation.

Attaches, Contingent Expenses and Mileage, Hart (Chairman) reported back the resolution that a committee of three be appointed to investigate the question of the appointment of attaches, or of cutting down the number now employed, with a recommendation favorable to its adoption. The resolution was adopted.

BILLS APPROVED. A message was received from the Governor, stating that A. B. 157, to amend an Act to establish a uniform system of county governments (the San Diego county salary bill), had been approved by him.

A message from the Assembly stating that A. B. 188, to make an appropriation to pay the deficiency for State printing for the present fiscal year, had passed that body.

Also that S. J. R. 4, relating to the boundaries of Yosemite National Park, had passed the House.

Also that the Senate Joint Resolution asking for an appropriation of \$1,000,000 each for the improvement of the Sacramento and San Joaquin Rivers, had been adopted.

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

By McKelvey—To establish kindergarten schools, and providing for supporting the same.—Education and Public Morals.

By Fay—To amend certain sections of the Political Code, regarding elections.—Judiciary.

Denying the qualifications of electors.—Judiciary.

To add a new section to the Penal Code, relating to elections.—Judiciary.

Relating to the punishment of crimes against election laws.—Judiciary.

By Simpson—Relative to giving of bonds by liquor dealers.—Agriculture.

By Burke—To establish a naval brigade to be attached to the National Guard of the State of California.—Interior Affairs.

By Hart—Authorizing the State Capitol Commissioners to improve certain streets in the city of Sacramento.—Public Buildings.

By Linder—Relative to county government.—City, City and County and Township Government.

Relates to changes of trial in Justices' Courts.—Judiciary.

keepers, etc.; 363, relating to new trials; 361, also relating to new trials; 362, relating to the Code of Civil Procedure relative to new trials; 361, relating to the selection of a homestead and the value thereof; 286, relating to limitation of actions; 285, relating to limitation of actions; 284, relating to the transfer of causes where judges are divided; 359, relating to appeals from judgment; 360, relating to changing the place of trials; 359, relating to a waiver of trial by jury; 361, relating to a challenge of Grand Jurors, and 362, relating to the manner of making complaints.

Also that the following Senate bills do pass as amended:

S. B. 217, to amend a section of the Political Code; 217, relative to the husband or wife or next of kin to a deceased person to collect any deposit in savings banks; 347, relating to the examination of applicants for admission to practice law; 224, relative to devises of real property by law will; 111, relating to the lien of judgment by Federal Courts, and 110, also relating to the lien of judgment by Federal Courts.

Also S. B. 77, relating to preferred claims for costs, was reported back without recommendation.

S. B. 118, returned and recommended referred to the Committee on Claims. It relates to paying the claim of Charles Phipps; S. B. 132, relating to publication, was recommended referred to the Committee on Education and Public Morals; S. B. 34, to amend an Act to establish a Code of Civil Procedure, was recommended referred to the Committee on City, City and County, and Township Government.

A bill was introduced by Senator Andrews, providing for the appointment of a committee of three to locate some appropriate point in the Southern part of the State upon which to build a penitentiary, and to report on the same.

REILLY FUNDING BILL. Then the special order of business was taken up, and the Assembly joint resolution by Bledsoe, the Senate joint resolution by Hoyt, and the substitute to the latter by McGowan, relating to the funding against the passage of the Reilly funding bill (all of which have appeared in the columns of the Record-Union), was called up.

Senator McGowan took the floor in defense of his substitute and spoke, in part, as follows:

Mr. President and Gentlemen of the Senate: It seems to me that the action by which we will adopt some one of the resolutions has been magnified into unusual and unwarranted importance. All that this resolution proposes or designs is to provide for the payment of the debt of the State upon which to build a penitentiary, and to report on the same.

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hands of private owners they will pool their issues and control the railroad policies and have in their grasp the people of the State of California as in the past. I do not think it is the duty of the Government to take these roads for the debts.

The people of the United States who have been oppressed by it, want to control it. Who should have the benefits that now come from the Central Pacific Railroad? The people of the State of California want to control it, but they are not supported by this resolution. These are the people that I propose, by this resolution, shall have it. That is the fair proposition.

There is another reason, too, why these roads should be taken over, in the interest of the railroad, new foreclosure bill. The one that is now on the statute book does not suit these corporate magistrates. It is too severe; it gives too great a power to the power to the officers of the United States.

The present law allows the road to be taken by the Government when the security is deemed insufficient and that the rights of the United States can be enforced on such contingency.

I read from the supplement to the revised statute of the United States, Volume 1, 1874, page 557, to support this view. There is a section on foreclosure. It is your foreclosure, and the right to take it and operate it, and the United States are in the position of a mortgagee. The proposition is that the United States is a great creditor of these roads; the position is like the man owing a great sum of money secured by a mortgage on his property. He doesn't want the farm; he doesn't desire to go into the business of farming; but there is his money represented there.

The prudent, sensible course would be to take the farm, for the mortgage and engage in the business of farming. The Government of the United States is in the same position. They ought to take control of the roads, and by so doing they don't want the farm; he doesn't desire to go into the business of farming; but there is his money represented there.

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demanding the Government control of railroads, and he wished to shift the responsibility from the shoulders of the State of California to the people of the State. He believed, however, that the East, he believed, favored the resolutions under consideration, and as he had made his campaign against a Populist, and against such a measure, he should not care to stir up a party for the entire resolution. He believed, however, that there should be a statement sent to Congress to show the general feeling in California, and would vote for such a resolution. He has a substitute, but he understood it was not possible to do so under the rules.

Senator Mathews said he was not one of those who were in opposition to corporations, but that he had been now as a representative of the people. He declared that the owners of the road in question were now in Washington lobbying for the passage of the bill in opposition to the wishes of the people of the West. The debt must be liquidated; the people have waited too long, and this Legislature should at once send in a protest, not as a party measure, but as one that came from the whole people.

Senator McGowan claimed the right to close the debate and in doing so replied to the Senator who had opposed the resolution, and explained why his amendment should be adopted in preference to either of the others.

A roll-call was taken upon the McGowan substitute and resulted in its adoption by the following vote: Ayes—Aram, Arms, Andrews, Beard, Bert, Denison, Dunn, Flint, Ford, Frank, Hoyle, Linder, Mahoney, McGowan, Mitchell, Orr, Seymour, Shine, Simpson, Smith, Toner and Voorheis—24.

Noes—Biggy, Burke, Fay, Langford, Mathews, McAllister, Pedlar, Seawell, Whitehurst and Whittington—11. Absent—Gestard—1.

Not voting—Shippee and Earl—2.

McGowan next offered a resolution providing that the secretary of the Senate be instructed to at once send a telegraphic copy of the substitute just adopted to the Secretary of the Senate of the United States, and that the Controller be requested to draw his warrant for \$50 to pay expenses.

Then the war broke out again, and Senators Earl, Burke and Whittington declared against the adoption of the resolution, and explained why their action would cast an insinuation upon the Assembly. The vote upon the resolution was called for, however, and resulted as follows:

Ayes—Aram, Arms, Andrews, Beard, Bert, Denison, Dunn, Ford, Frank, Hoyle, Linder, Mahoney, McGowan, Mitchell, Orr, Seymour, Shine, Simpson, Smith, Toner and Voorheis—25.

Noes—Biggy, Burke, Fay, Flint, Martin, Mathews, McAllister, Pedlar, Seawell, Whitehurst and Whittington—11.

At 12:20 o'clock the Senate took a recess until 2 o'clock.

Afternoon Session. Senator Earl offered a joint resolution, providing that our Senators be instructed to urge Congressmen to be requested to use all honorable means to secure the defeat of the Reilly funding bill; that the mortgage and liens now held by the Government be foreclosed at once, and that proceedings be instituted for the recovery of any funds or legal assets, whether held by stockholders of the road, or merged in the assets of the stockholders of deceased persons who were stockholders of the road, and the Governor be requested to transmit the resolution forthwith to Congress.

Senator McGowan offered an amendment to the resolution, providing that the resolution should be construed to the advantage of the State, and that the State waived no rights she now holds, by the adoption of the resolution.

Those Senators who had voted "no" upon the McGowan substitute here gave notice that they would, before the next vote, offer a written explanation of that vote, and ask that it be spread upon the journal.

SENATE PRINTING OFFICE. Senator Vorheis, Chairman of the Finance Committee, sent up a report, recommending that the rules be suspended and that A. B. 450, providing for an appropriation of \$50,000, to pay the deficiency in the State Printing Office for the last half of the present fiscal year, be passed. The rules were suspended, and the bill passed accordingly.

The special order of business for 2:30 p. m. was taken up. It was the resolution providing that a committee of three be appointed from the Committee on Prison Buildings to visit certain institutions in the State, and report thereon to the Senate. Contrary to the general expectation, the resolution was adopted without opposition.

Action on the resolution providing for a committee to investigate the alleged election frauds at San Francisco was deferred, owing to the absence of the author.

BILLS OUT OF ORDER. By Fracker—To amend the Code of Civil Procedure.—Judiciary.

Relative to sales made by Commissioners.—Judiciary.

By Gleason—Relative to the salary of Superior Judges.—Judiciary.

Up to date the number of bills introduced in the Senate is 560.

Senator Earl offered a concurrent resolution providing that four specified amendments in the city charter of the city of Oakland be approved. The resolution was adopted and transmitted to the Assembly.

WHY THEY VOTED NO. At this point Senator Seawell sent to the following resolutions which were ordered spread upon the journal: We, the undersigned, who voted against the McGowan substitute for A. J. R. 2, submit our reasons therefor:

Firstly—We believe that the interests of the State of California that the bill known as the Reilly funding bill should be defeated in the Congress of the United States. The