

JOURNALS
OF THE
LEGISLATURE
OF THE
STATE OF CALIFORNIA;
AT ITS
SECOND SESSION:
HELD AT THE CITY OF SAN JOSE, COMMENCING
ON THE SIXTH DAY OF JANUARY, AND ENDING
ON THE FIRST DAY OF MAY, 1851.



EUGENE CASSERLY, STATE PRINTER
1851.

Court for the County of Santa Clara to hold a special term in and for said County," reported the same without amendment, and recommending its passage.

The report was accepted, and the bill was read a third time and passed, the rules having been suspended for that purpose.

Mr. Adams gave notice that he would, at an early day, ask leave to introduce a bill entitled "an Act to prevent the sale, or furnishing Firearms and other implements of war to Indians."

Mr. Broderick asked and obtained leave to withdraw from the Committee on the Judiciary Senate bill entitled "an Act to repeal 'an Act to establish a municipal Court in the City of San Francisco,' to be called the Superior Court of the City of San Francisco;" and at the same time gave notice that he would at an early day ask leave to introduce a bill to amend the Act establishing the said Court.

Mr. Adams, from the Committee on the Militia, to whom had been referred Senate bill entitled "an Act to repeal 'an Act for the Government and Protection of Indians,'" reported the same without amendment, and recommending its passage; when on motion of Mr. Van Buren, the report was laid on the table, and the bill was referred to the Committee on the Judiciary.

Senate bill entitled "An Act to repeal 'an Act to prevent the Coining of Money by individuals,'" was taken up, read the third time and passed, the rules having been suspended for that purpose.

Mr. Douglass submitted a concurrent resolution that both Houses meet in Convention on Saturday next at twelve, M., to proceed to the election of a United States Senator, to fill the place of J. C. Frémont, whose term of office expires on the fourth day of March next. Mr. Adams moved to amend, by striking out "Saturday next," and inserting therefor "February first." Mr. Woodworth moved to amend the amendment of Mr. Adams, by striking out "February first," and inserting therefor "first day of April;" whereupon, on motion of Mr. Tingley, the resolution and amendments were laid on the table by the following vote, the yeas and nays having been demanded by Messrs. Douglass and Van Buren:

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JOURNAL
OF THE
FIFTH SESSION
OF THE
LEGISLATURE
OF THE
STATE OF CALIFORNIA,
BEGUN
ON THE SECOND DAY OF JANUARY, 1854, AND ENDED ON THE
FIFTEENTH DAY OF MAY, 1854, AT THE CITIES OF
BENICIA AND SACRAMENTO.

PUBLISHED BY AUTHORITY.

SACRAMENTO:
E. B. REDDING, STATE PRINTER.

1854.

A communication was received from the Secretary of State, informing the House that six hundred copies of the laws authorized by the last Legislature to be codified had been tendered him by Mr. F. A. Snyder.

Communication read, and on motion laid upon the table.

Mr. Stowe offered a concurrent resolution appointing a select committee of three from each House to examine and report upon the contract in reference to the codifying of the laws of this State.

Which was adopted.

And Messrs. Stowe, Ashley and Tallmadge were appointed said committee, with instructions to report on to-morrow.

On motion, two days leave of absence was granted to Mr. French, four days to Mr. Whipple, and one day to the Sergeant-at-Arms.

The following Message was received from the Senate :

I am instructed to inform the Assembly that on Tuesday the Senate concurred in Assembly resolution directing the Attorney-General to prepare and present to the Legislature an opinion as to the legality of the present practice of locating School Land Warrants, and also present the accompanying resolution, in which the concurrence of the Assembly is respectfully asked.

JOHN Y. LIND,
Secretary.

KENDALL AND MAHONY,
Committee Senate.

Senate concurrent resolution, on motion of Mr. Watkins, was amended by adding one more member to the Committee from the Assembly, and concurred in.

Messrs. Spencer, Irwin and Horr, were appointed on the part of the House.

Mr. Whitman gave notice that he would, at an early day, introduce a bill to better define the rights of parties litigant, claimants and possessors of real estate, to be entitled—A Betterment Act.

Also, an Act to amend an act entitled an Act to provide a lien for Mechanics.

On motion, Messrs. Bradford and Carr were added to Committee on Indian Affairs.

Mr. Sweetland gave notice that he would at an early day introduce a bill supplementary to an Act entitled an Act defining the time of commencing civil actions in certain cases.

Mr. Spencer gave notice that at an early day he would introduce a bill authorizing A. H. Murdock and others to build a wharf at Uniontown, Humboldt county.

Mr. Koll gave notice that he would at an early day introduce a bill for an Act amendatory of an Act to provide for the protection of foreigners, and to define their liabilities and privileges.

Mr. Hastings gave notice that he would at an early day introduce a bill for the location of a State road from Benicia to Marysville.

Mr. Stevenson gave notice that he would at an early day introduce a bill for an Act to prohibit Indians from carrying fire arms or munitions of war in El Dorado county.

Mr. Horr gave notice that at an early day he would introduce a bill to be entitled an Act concerning stray animals.

Mr. Bradford offered the following :

Resolved, That the Committee on the Judiciary and the Committee of Ways and Means, be each allowed a Clerk, provided that said Clerk, when not otherwise em-

prived of the greater part of them, and the cause of education within the State be seriously retarded. The proceeds of these lands, unless immediate action be taken to secure their selection, instead of constituting a fund for the education of the children of the State, as designed by the Constitution, will accumulate in the Treasury of the nation, now full to overflowing, and be forever lost to the rising generation.

To secure the selection of these lands, and preserve the educational fund, is the object of this communication, and it is hoped that it will incite you to give the subject immediate and favorable consideration.

JOHN BIGLER.

The message and the report of the Superintendent of Public Instruction was read, and 1,000 copies ordered to be printed. (See Appendix, Doc. No. 5.)

Assembly bill No. 73, an Act to incorporate the town of Alameda.
Read a second time, and referred to Committee on Corporations.

Assembly bill No. 77, an Act amendatory of an Act entitled an Act concerning District Attorneys, passed April 29, 1851.
Read a second time, and referred to Judiciary Committee.

Assembly bill No. 76, an Act fixing the time of electing United States Senators.
Read a second time.

Mr. Hoff moved to refer the bill to the Judiciary Committee.

Mr. Mandeville moved to refer the bill to the Committee of the Whole House, and make it the special order for 12 o'clock, on Friday next, and

Messrs. Mandeville, Myres and Hagans demanded the yeas and nays.

Those who voted to refer and make it the special order, were :

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Dannels, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Hubert, Hunt, Hunter, Irwin, James, Lindsey, Manandeville, McDaniel, McDuffie, McGee, McKinney, Noel, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—37.

Those who voted against a reference were—

Messrs. Bagley, Ballou, Briggs, Clingan, Conness, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Hoff, Hollister, Hoyt, Hubbard, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Tallmadge and Van Cleft—32.

So the bill was referred and made the special order for 12 o'clock on Friday next, and 240 copies ordered to be printed.

Mr. Whipple introduced a bill for "An Act to prevent the sale of fire arms and ammunition to the Indians in this State."

Read a first time, and ordered to a second reading on to morrow.

Mr. Bradford introduced a bill for "An Act to provide for the selection of Lands donated by the United States to the State of California.."

Read the first time, and 240 copies ordered to be printed.

The following message was received from the Senate

The Judiciary Committee have had before them Assembly bill No. 16, entitled an Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee. The Committee being without evidence before them of the loss referred to in said bill, report the same back to the House for its disposition.

Also, Assembly bill No. 35, entitled "An Act to create a Board of Supervisors in and for the several counties of this State, and to define their duties and powers."

The committee, not knowing the wants of the several counties in which the provisions of this bill are designed to operate, report it back to the House, and ask to be discharged from its further consideration.

Assembly bill No. 16, "An Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee,"

Considered as engrossed, read a third time and passed.

Assembly bill No. 35, "An Act to create a Board of Supervisors in and for the several counties of this State, and to define their duties and powers,"

On motion, laid upon the table, and 240 copies ordered to be printed.

Mr. Hubert gave notice that at an early day he would introduce a bill for an Act to amend sections 28, 29, and 156 of the Act to regulate proceedings in Civil Cases in the Courts of Justice of this State.

The following message was received from the Senate :

I am instructed to inform the Assembly that on yesterday the Senate passed Assembly bill for "An Act to fix the compensation of the County Judge of Tulare county,"

And Assembly Joint Resolution in relation to the removal of the wreck of the ship Aberdeen,

And also, that the Senate passed a concurrent resolution concerning the Pacific Railroad, and have appointed a committee, consisting of Messrs. Hall, Whiting and May, to carry out the objects of the resolution.

JOHN Y. LIND.
Secretary.

Senate concurrent resolution concerning the Pacific Railroad, on motion, referred to Committee on Federal Relations.

Mr. Jones introduced a bill, "An Act to amend the 4th and 5th sections of an Act concerning estray animals, passed May 1, 1851."

Read first time, and 240 copies ordered to be printed.

Mr. Stowe introduced a bill for an Act fixing a time for Acts and Joint Resolutions to take effect, and to repeal an Act fixing the time for Acts and Joint Resolutions to take effect, passed January 24, 1850.

Read first time and ordered to a second reading on to-morrow.

Mr. Tivy introduced a bill for an Act to provide for holding terms of the District Court in Tulare county.

Read first time and ordered to a second reading on to-morrow.

Senate bill No. 24, an Act to change the name of William Alexander Smith to Amor De Cosmer.

Read second time and referred to the Delegation from El Dorado.

Assembly bill No. 80, an Act to prevent the sale of fire arms and ammunition to Indians in this State.

Read second time and referred to Committee on Indian Affairs.

Assembly Joint Resolutions relating to the present condition of Lower California.

HOUSE OF ASSEMBLY.

FRIDAY, February 10, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present the Speaker announced the House ready to proceed to business.

The Journal of Thursday was read and approved.

On motion, leave of absence was granted to Mr. Ewer indefinitely, in consequence of ill health; to Mr. Whipple for two days; to Mr. Clingan for two days; to Mr. Gilbert for four days; to Mr. Myres for six days, and to Mr. Hoff for one day.

Mr. Watkins presented a petition from sundry citizens of Alameda county, praying for the passage of a law to declare San Antonio creek a public highway.

Read and referred to Committee on Commerce and Navigation.

Mr. McGee presented a petition from many citizens of Butte county, praying for a division of the county.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Myres, chairman, made the following report:

The Judiciary Committee herewith report back to the House, Assembly bill No. 39, entitled an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, having previously considered the same and reported favorably to its passage.

Pursuant to a resolution of the Assembly, instructing the Judiciary Committee to inquire into the expediency of amending an Act to regulate proceedings in Criminal Cases, passed May 1, 1851, so as to give the counsel for the people the closing argument in all cases, herewith report a bill proposing such amendments to the above entitled Act, and respectfully recommend its passage.

Assembly bill No. 39, reported back by Judiciary Committee.

On motion, made the special order of the day for next Tuesday week, at 12 o'clock.

Mr. Myres, from Judiciary Committee, introduced a bill for an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

Read first time and ordered to a second reading on to-morrow.

Mr. Dannels made the following report:

The Committee on Indian Affairs have had under consideration a bill for an Act to be entitled an Act to prevent the sale of fire-arms and ammunition to Indians in this State.

They recommend that the words "for Common School purposes" in section second be stricken out, and the words "as a part of the General Fund," be inserted—and the passage of the bill.

The amendment not agreed to.

The bill was then considered as engrossed, read a third time and passed

HOUSE OF ASSEMBLY

SATURDAY, February 11, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,

The Speaker announced the House ready to proceed to business.

The Journal of Friday was read and approved.

Mr. McDaniel presented a protest from sundry citizens of Calaveras against a division of that County.

Read and referred to Committee on Counties and County Boundaries.

Mr. Watkins made the following report :

The Committee of Corporations, to whom was referred Assembly bill, No. 96, granting to Mr. Edgar, the right to erect a Dam across Elk River, have had the same under consideration, and instructed me to report it back without amendment and recommend its passage.

The following messages was received from the Governor :

In compliance with a resolution which passed the Assembly on the 10th inst., requesting the " Governor to transmit to the Assembly any and all communications which he received by the last mail from the Atlantic States, relating to the payment of the interest coupons against this State, due in New York City on the 1st of January, 1854." I have the honor herewith to transmit a copy of the only communication received.

JOHN BIGLER.

On motion the communication was referred to the special committee upon the subject matter.

Mr. O'Neil made the following report

The Committee on Engrossment have examined, and find correctly engrossed an Act to prevent the sale of fire arms and ammunition to Indians in this State.

Mr. Tallmadge offered a Concurrent Resolution to suspend the publication of the Laws and Journals until further ordered by the Legislature.

A motion was made to refer the resolution to the Committee on Public Printing, and

Messrs. Bagley, Hubbard, and other members demanded the yeas and nays :

Those who voted to refer were—

Messrs. Aylett, Bowie, Burton, Henry, Horr, Hubert, Lindsey, Mandeville, Mc-

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An Act to provide for holding Terms of the District Court in Tulare County ;

And a Concurrent Resolution in relation to furnishing reporters with the Codified Statutes of this State.

The Assembly refused to concur in all the amendments made by the Senate to Assembly Joint Resolutions in reference to an increase of the mails, and respectfully ask a Committee of Conference in reference thereto, and have appointed on the part of the Assembly, Messrs. Stow, Conness and Bowie.

The Assembly passed on Saturday An Act to prevent the sale of Fire-arms and Ammunition to Indians in this State ;

And a Concurrent Resolution to suspend the further publication of the Laws and Journals until such time as the Legislature shall otherwise direct.

They passed on yesterday Senate Bill No. 33, for An Act to protect the Bodies of Deceased Persons and Public Graveyards, with an amendment as therein shown.

All of which is herewith respectfully submitted,

B. McALPIN, Clerk.

Assembly Bill No. 10, for An Act to declare exempt from Forced Sale under execution, or other process, certain property of the several Counties of this State, was read a first and second time, and referred to the Judiciary Committee.

Assembly Bill No. 82, for An Act to provide for holding Terms of the District Court in Tulare County, was read a first and second time and referred to Mr. Wade.

Assembly Concurrent Resolution to furnish the reporters of each House with copies of the Codified Statutes, was read and adopted.

Mr. Coffroth moved that a committee be appointed to confer with the committee of the Assembly on the Joint Resolutions for an increase of the mail service.

Agreed to.

Messrs. Coffroth, Tuttle and Bryan were appointed the Committee.

Assembly Bill No. 80, for an Act to prevent the sale of Fire-arms and Ammunition to Indians in this State, was read a first and second time, and referred to the Committee on Military Affairs.

Assembly Bill No. 83, for An Act fixing the time for Acts and Joint Resolutions to take effect and to repeal An Act entitled an Act fixing the time for Acts and Joint Resolutions to take effect, passed January 24, 1850, was read a first and second time, and referred to the Committee on the Judiciary.

Assembly Concurrent Resolution to suspend the printing of the Laws and Journals, was read.

Mr. Sawyer moved to lay the resolution upon the table.

The ayes and nays were demanded by Messrs. Sawyer, Sprague and May, and it was decided in the affirmative by the following vote :

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HOUSE OF ASSEMBLY.

SATURDAY, March 4, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent : Messrs. Bagley, Bowie, Clingan, Griffith, Hoff, James, McBrayer, Purdy, and Rowan.

The Journal of Friday was read and approved.

On motion, leave of absence was granted to Mr. James for one day ; to Mr. Clingan for two days.

Mr. Dannels presented a petition numerously signed by citizens of Yuba county, recommending the election of a United States Senator by the present Legislature.

Petition read and referred to delegation from Yuba county.

Mr. McDaniel presented a petition numerously signed by citizens of Calaveras county, protesting against the present Legislature electing a United States Senator.

Petition read.

Mr. Mandeville presented a petition from many citizens of Tuolumne county, protesting against the present Legislature electing a United States Senator.

Petition read.

Mr. Hastings presented several petitions from citizens of Sutter county, protesting against the present Legislature electing a United States Senator.

Petition read.

Mr. McGee presented a petition numerously signed by citizens of Butte county, protesting against the election of a United States Senator at this session of the Legislature.

Petition read.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossed Bills have examined, and found correctly engrossed, an Act to organize the county of Plumas, out of the territory of Butte county.

On motion of Mr. Tallmadge, the following message from the Senate was taken from the table :

I am instructed by the Senate to inform the Assembly, that the Senate passed on the 20th, Assembly bill for an Act to prevent the sale of fire-arms and ammunition to Indians in this State, with an amendment as therein shown.

On the 21st, they passed Assembly bill for an Act to abolish the Board of Supervisors in and for the county of Santa Clara, with an amendment as therein shown.

They also passed Assembly bill for an Act fixing the time of holding the several Courts of Alameda county.

They also passed, the same day, the following Senate bills :

An Act to change the name of Charles Turner Kelly to Charles Turner Kelly Tracy.

An Act amendatory of an Act defining the time of commencing Civil Actions.

Hunter, James, Lindsey, Myres, McBrayer, McDonald, McDaniel, McKenny, Nichols, Noel, O'Neil, Purdy, Ring, Springer, Stemmons, Stevenson, Sweasey, Sweetland, and Watkins—37.

So the bill did not pass.

After the names had all been called over, Mr. Nichols desired the name of Mr. Bagley to be called, which was done.

Mr. Bagley, on motion of Mr. Fairfax, was excused from voting.

The following message was received from the Senate :

I am instructed to inform the Assembly that, on yesterday, the Senate passed a bill for an Act concerning the collection of taxes now due in the county of Sacramento.

Also, Assembly Joint Resolutions in relation to creating a new collection district, and establishing the port of entry at Humboldt Bay.

The Senate also passed a Concurrent Resolution appointing a joint committee to examine and settle the accounts of Eugene Casserly for State Printing, and have appointed on their part Messrs. Coffroth, Crabb and Sprague.

They also appointed Messrs. Kurtz, Hall and Wade to confer with the committee of the Assembly upon the disagreeing vote of the two Houses on the bill for an Act to prevent the sale of fire-arms and ammunition to Indians in this State.

All of which is respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate Concurrent Resolution, as above, concurred in, and Messrs. Tallmadge, Stowe and Bagley were appointed on the part of the Assembly ;

Before the adoption of the resolution, Mr. Tallmadge presented a letter from Mr. Casserly, formerly State Printer, which was read.

Senate bill No. 79, an Act concerning the collection of taxes now due in the county of Sacramento.

Read a first time, rule suspended, read a second time, rule further suspended, and the bill read a third time and passed.

Assembly bill No. 145, an Act to extend an Act for the protection of Game, to the county of Colusi.

Read a second time, and ordered to a third reading on to-morrow.

Senate bill No. 52, an Act to amend an Act entitled an Act concerning Officers, passed April 28, 1851.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 144, an Act concerning Poll Tax.

Read a second time, and referred to the Committee of Ways and Means.

Assembly bill No. 147, an Act concerning the manufacture and sale of spirituous or intoxicating liquors.

Read a second time, and referred to the special committee, of which Mr. Letcher is chairman.

Senate bill No. 59, an Act to change the name of Charles Turner Kelly to Charles Turner Kelly Tracy.

Read a third time and passed.

Assembly bill No. 142, an Act to establish and regulate Common Schools, and to repeal former Acts concerning the same.

Read a second time, and referred to Committee on Education.

Mr. Bradford introduced a bill for an Act to fix the time of holding elections for Representatives to Congress.

Mr. Whipple, from Committee on Conference, reported that the committee had agreed to concur in the amendment made by the Senate, to Assembly bill in reference to the sale of fire-arms to the Indians in this State.

Report of the committee concurred in by the Assembly.

Mr. Conness presented a petition from sundry citizens of El Dorado county, praying for the passage of a law embracing the provisions of the Maine Liquor Law.

Petition read and referred to Special Committee, of which Mr. Letcher is chairman.

Mr. Springer moved to reconsider the vote of yesterday, which passed Assembly bill in reference to Fugitives from labor, and slaves brought into this State prior to her admission into the Union.

Mr. Griffith moved to indefinitely postpone the motion to reconsider :

On which motion,

Messrs. Springer, Dannels and Anderson demanded the yeas and nays.

Mr. Kellogg demanded a call of the House, and,

Messrs. Conness, Green and Springer demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ballou, Conness, Dannels, Dawley, Fairfield, Godard, Green, Hastings, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, James, Kellogg, Koll, Letcher, Lindsey, Mandeville, McDonald, McGee, McKinney, O'Neil, Pratt, Ring, Rowan, Springer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Watkins, Whipple, Whitman and Mr. Speaker—41.

NAYS.

Messrs. Bennett, Bowie, Carr, Clingan, Cornwall, Hagans, Henry, Houghtaling, Hubert, Hunter, Nichols, Purdy, Spencer, and Warmcastle—14.

So the House sustained the call.

The roll was called and the following members were absent :

Messrs. Aylett, Bagley, Briggs, Burton, Davidson, Herbert, Myres, McBrayer, McDuffie and Van Cleft.

Mr. Ballou moved to dispense with further proceedings under the call.

Not agreed to.

On motion, Mr. Van Cleft was admitted within the bar and excused.

Mr. Conness moved to dispense with further proceedings under the call.

Not agreed to.

Mr. Fairfax moved to dispense with further proceeding under the call.

Not agreed to.

Mr. Purdy moved to dispense with further proceedings under the call.

Not agreed to.

On motion, Mr. Aylett was admitted within the bar and excused.

Mr. Fairfax moved to dispense with further proceedings under the call.

Agreed to.

The vote was then taken on the motion of Mr. Griffith to indefinitely postpone the motion to reconsider.

HOUSE OF ASSEMBLY.

FRIDAY, March 24, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. Bagley, Davidson, Gilbert, Godard, Griffith, Hastings, Hoyt, Hubert, James, Myres, J. W. Park, and Van Cleft.

The Journal of Thursday was read and approved.

Mr. Tivy, chairman, made the following report.

The Joint Committee on Enrollment have examined, and found correctly enrolled the following Acts, viz:

An Act to authorize the Clerk of the Supreme Court of this State to appoint deputies.

An Act to prevent the sale of fire-arms and ammunition to Indians in this State.

An Act to legalize assessments in the County of San Diego.

An Act to fix the Sessions of the Supreme Court at the capital of the State.

An Act to change the name of Charles Turner Kelly to Charles Turner Kelly Tracy; and

An Act to amend an Act entitled an Act concerning Officers, passed April 28, 1851.

Mr. Clingan, chairman, made the following report:

The Select Committee, to whom was referred the bill entitled an Act amendatory of an Act dividing the State into Counties, and establishing Seats of Justice therein; having had the same under consideration, report it back, and recommend its passage.

Assembly bill No. 174, an Act amendatory of an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

On its third reading considered as engrossed, read a third time and passed.

The following message was received from the Governor, with a communication from the Attorney General of the United States:

EXECUTIVE DEPARTMENT, }
Sacramento City, March 24, 1854. }

To the Senate and Assembly of California:

On the 7th instant, I had the honor to transmit to the Legislature a communication from the Hon. J. R. McConnell, Attorney General, relative to the property in the city of San Francisco and county of Sacramento, known as the "Leidesdorff

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February, April, June, August, October, and December, and excepting also the county of Placer, where the terms of said court shall be held on the second Monday of February, May, August, and November in each year, and shall continue until the commencement of the next term, unless all the business of the court be sooner disposed of. Special terms of the court may also be held whenever, in the opinion of the County Judge, the public interests require the same.

CHAPTER XII.

AN ACT *to Prevent the Sale of Fire-arms and Ammunition to Indians in this State.*—[Passed March 24, 1854.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Disposal of
fire arms to
Indians

Misdemeanor.

Penalty.

Disposition of
fines.

SECTION 1. Any person or persons who shall sell, or give, or in any way dispose of, to any Indian or Indians, of either sex, in this State, any fire-arms or ammunition of any description, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction in this State, shall be fined in a sum not less than twenty-five dollars, nor more than five hundred dollars, or sentenced to the county jail not less than one month nor more than six months, or both such fine and imprisonment, in the discretion of the court

SEC. 2. Of all fines so collected, one-fourth shall be paid to the person informing, one-fourth shall be paid to the County Treasury for road purposes, and one-half shall be paid into the State Treasury, for Common School purposes.

SEC. 3. This Act to take effect from and after thirty days after its passage.

CHAPTER XIII.

AN ACT *explanatory of an Act entitled "An Act making Appropriations for the Civil Expenses of Government of the State for the unexpired portion of the fiscal year ending on the thirtieth day of June, A. D. one thousand eight hundred and fifty-four, and for the first seven months of the fiscal year commencing on the first day of July, A. D. one thousand eight hundred and fifty-four," approved March 21, 1854.*—[Passed March 24, 1854.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. That the Act entitled "An Act making Appropriations for the Civil Expenses of Government for the State for the unexpired por-

THE
STATUTES OF CALIFORNIA

AND
AMENDMENTS TO THE CODES

PASSED AT THE
FORTIETH SESSION OF THE LEGISLATURE

1913

BEGAN ON MONDAY, JANUARY SIXTH, AND ADJOURNED ON TUESDAY, MAY
TWELFTH, NINETEEN HUNDRED AND THIRTEEN



FRIEND WM. RICHARDSON, SUPERINTENDENT OF STATE PRINTING
SACRAMENTO, CALIFORNIA
1913

CHAPTER 56.

An act to repeal section 398 of the Penal Code of California relating to the sale of firearms and ammunition to Indians.

[Approved April 22, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 398 of the Penal Code of California is Repealed.
hereby repealed.

CHAPTER 57.

An act to add a new section to an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, to be known as section 79a, defining a certain portion of said act.

[Approved April 22, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, to be numbered section seventy-nine a and to read as follows:

Section 79a. The word "places" as used in this act, shall be deemed to, and is hereby declared to include any public pleasure ground and common which has been dedicated and accepted according to law, and this act shall include the improvement of a public pleasure ground and common. "Places" defined.