

By Mr. Heywood:

Resolved, That Arnold Goodfriend be and is hereby appointed as Assistant Journal Clerk, to fill the vacancy caused by the absence of A. L. Pratt, who now holds a position under the Government of the United States.

Referred to Committee on Attachés and Employés.

ADJOURNMENT.

At two o'clock and thirty-five minutes P. M., on motion of Mr. May, the House adjourned until Thursday, July 22, 1886, at ten o'clock A. M.

IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, July 22, 1886.

The House met pursuant to adjournment.  
Speaker Parks in the chair.  
The roll was called, and the following members answered to their names:

Messrs. Allen, Almy, Ashe, Banbury, Barnes, Black, Britt, Buhlert, Carter of Contra Costa, Carter of Solano, Clark, Colby, Cook, Culver, Daley, Davis, Deveny, DeWitt, Dooling, Douglas, Edwards, Ellison, Firebaugh, Franklin, French, Goucher, Gregory, Hazard, Heath, Heywood, Hollister, Hunt, Hussey, Jones, Jordan, Kalben, Laughlin, Long, Loud, Lovell, May, McDonald, McGlashan, McJunkin, Mears, Moffitt, Morris, Munday, Patterson, Pyle, Reeves, Sullivan, Torrey, Van Voorhies, Walrath, Watson of Alameda, Watson of El Dorado, Ward of Butte, Ward of San Francisco, Weaver, Whitcomb, Woodward, Yule, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day was read and approved.

LEAVE OF ABSENCE.

Messrs. Roseberry, Beard, and Wood were granted leave of absence for five days.

Mr. Henry was granted leave of absence for three days.

Mr. Weaver was granted leave of absence for one day.

COMMITTEE APPOINTMENTS.

The Speaker announced that Mr. Munday would take the place of Mr. Barnett on the Committee on Irrigation, and that the following named gentlemen would be added to the committee: Messrs. Hazard, Moffitt, Swayne, and Gregory.

The Speaker announced the following addition to the Committee on Constitutional Amendments: Messrs. Weaver, Jones, Wood, and Ward of Butte.

REPORT OF STANDING COMMITTEE.

ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, July 22, 1886.

MR. SPEAKER: Your Committee on Mileage beg leave to report that the following amounts are due members and officers of this House for mileage to and from their residences to the Capitol at Sacramento for the twenty-sixth (extra) session of the California Legislature. We have taken the legal distances as established by part two, title three, of the Political Code, as amended, as a basis, and have calculated the mileage and amounts in accordance with the provisions of the statutes. We recommend the adoption of the following resolution:

Resolved, That the Controller be ordered to draw warrants in favor of the following named members and officers of the Assembly for the amount set opposite each of their names respectively, and that the Treasurer pay the same from the moneys appropriated to the general fund for the per diem and mileage for Assemblymen and officers for the thirty-eighth fiscal year:

MEMBERS.

| NAME.                | Assembly District. | Counties.              | Miles. | Amount. |
|----------------------|--------------------|------------------------|--------|---------|
| Allen, S. I.         | Twenty-fourth      | Sonoma                 | 282    | \$28 20 |
| Almy, Joseph         | Twenty-eighth      | Marin                  | 192    | 19 20   |
| Ashe, R. I.          | Seventy-fifth      | Kern and Ventura       | 556    | 55 60   |
| Banbury, J.          | Seventy-sixth      | Los Angeles            | 976    | 97 60   |
| Barnes, D. G.        | Twenty-sixth       | Solano                 | 80     | 8 00    |
| Beard, E. B.         | Sixty-sixth        | Stanislaus             | 154    | 15 40   |
| Black, J. F.         | Fifty-first        | Alameda                | 182    | 18 20   |
| Britt, E. W.         | Twelfth            | Lake                   | 408    | 40 80   |
| Buhlert, J.          |                    |                        | 168    | 16 80   |
| Carter, G. W. T.     | Fifty-seventh      | Contra Costa           | 178    | 17 80   |
| Carter, R. C.        | Twenty-seventh     | Solano                 | 80     | 8 00    |
| Clark, A. M.         | Seventieth         | Fresno                 | 338    | 33 80   |
| Colby, G. H.         | Sixteenth          | Placer                 | 74     | 7 40    |
| Coleman, J. V.       | Forty-ninth        | San Mateo              | 210    | 21 00   |
| Cook, J. W.          | Sixty-fourth       | Santa Clara            | 256    | 25 60   |
| Corcoran, H. J.      | Fifty-eighth       | San Joaquin            | 96     | 9 60    |
| Culver, C. B.        | Twenty-first       | Yolo                   | 40     | 4 00    |
| Davis, W. J.         | Eighteenth         | Sacramento             | 1      | 10      |
| Daley, James H.      | Twenty-ninth       | San Francisco          | 168    | 16 80   |
| Deveny, P.           | Thirty-first       | San Francisco          | 168    | 16 80   |
| DeWitt, E.           | Seventy-first      | Tulare                 | 422    | 42 20   |
| Dooling, M. T.       | Sixty-eighth       | San Benito             | 346    | 34 60   |
| Douglas, C. D.       | Forty-seventh      | San Francisco          | 168    | 16 80   |
| Edwards, E. E.       | Seventy-eighth     | Los Angeles            | 1,022  | 102 20  |
| Ellison, J. F.       | Seventh            | Tehama                 | 270    | 27 00   |
| Firebaugh, H. C.     | Forty-first        | San Francisco          | 168    | 16 80   |
| Franklin, Joseph     | Thirty-second      | San Francisco          | 168    | 16 80   |
| French, Frank        | Forty-eighth       | San Francisco          | 168    | 16 80   |
| Goucher, G. G.       | Seventy-seventh    | Merced and Mariposa    | 312    | 31 20   |
| Gregory, U. S.       | Sixtieth           | Amador                 | 118    | 11 80   |
| Hazard, H. T.        | Seventy-seventh    | Los Angeles            | 956    | 95 60   |
| Heath, Lucien        | Fiftieth           | Santa Cruz             | 410    | 41 00   |
| Henley, Whit.        | Eleventh           | Mendocino              | 410    | 41 00   |
| Henry, Allen         | Eighth             | Butte                  | 196    | 19 60   |
| Heywood, Walter M.   | Fifty-fourth       | Alameda                | 182    | 18 20   |
| Hollister, Dwight    | Twentieth          | Sacramento             | 20     | 2 00    |
| Hunt, W. B.          | Thirty-eighth      | San Francisco          | 168    | 16 80   |
| Hussey, F. W.        | Thirty-fourth      | San Francisco          | 168    | 16 80   |
| Johnson, J. K.       | First              | Del Norte and Siskiyou | 728    | 72 80   |
| Jones, C. T.         | Nineteenth         | Sacramento             | 1      | 10      |
| Jordan, W. H.        | Fifty-fifth        | Alameda                | 182    | 18 20   |
| Kalben, E. C.        | Thirtieth          | San Francisco          | 168    | 16 80   |
| Laughlin, S. N.      | Sixty-ninth        | Monterey               | 392    | 39 20   |
| Long, W. G.          | Sixty-second       | Tuolumne               | 292    | 29 20   |
| Loud, E. F.          | Forty-third        | San Francisco          | 168    | 16 80   |
| Lovell, F. M.        | Forty-fourth       | San Francisco          | 168    | 16 80   |
| May, W. B.           | Thirty-third       | San Francisco          | 168    | 16 80   |
| McDonald, T. H.      | Forty-sixth        | San Francisco          | 168    | 16 80   |
| McGlashan, C. F.     | Fifteenth          | Nevada                 | 142    | 14 20   |
| McJunkin, H. K.      | Forty-fifth        | San Francisco          | 168    | 16 80   |
| McLean, A.           | Seventy-fourth     | Santa Barbara          | 738    | 73 80   |
| McMurray, Jr., V. C. | Forty-second       | San Francisco          | 168    | 16 80   |

## MEMBERS—Continued.

| NAME.                | Assembly District. | Counties.              | Miles. | Amount. |
|----------------------|--------------------|------------------------|--------|---------|
| Mears, W. T.         | Twenty-third       | Sonoma                 | 282    | \$28 20 |
| Moffitt, F. J.       | Fifty-third        | Alameda                | 182    | 18 20   |
| Morris, T. C.        | Fifty-second       | Alameda                | 182    | 18 20   |
| Munday, M. E. C.     | Twenty-fifth       | Sonoma                 | 282    | 28 20   |
| Patterson, W. T.     | Sixty-third        | Santa Clara            | 256    | 25 60   |
| Pellet, H. A.        | Twenty-second      | Napa                   | 122    | 12 20   |
| Porter, Arza         | Seventy-third      | San Luis Obispo        | 586    | 58 60   |
| Pyle, D. M.          | Sixty-fifth        | Santa Clara            | 256    | 25 60   |
| Reeves, T.           | Seventy-ninth      | San Bernardino         | 1,176  | 117 60  |
| Roseberry, T. A.     | Fifth              | Modoc and Lassen       | 758    | 75 80   |
| Russ, J.             | Second             | Humboldt               | 624    | 62 40   |
| Sullivan, M. J.      | Thirty-seventh     | San Francisco          | 168    | 16 80   |
| Swayne, T. J.        | Eightieth          | San Diego              | 1,260  | 126 00  |
| Torrey, M. S.        | Sixty-first        | Calaveras              | 146    | 14 60   |
| Van Voorhies, R. J.  | Seventy-second     | Alpine, Mono, and Inyo | 1,120  | 112 00  |
| Walrath, A.          | Fourteenth         | Nevada                 | 142    | 14 20   |
| Watson, G. W.        | Fifty-sixth        | Alameda                | 182    | 18 20   |
| Watson, E. H.        | Seventeenth        | El Dorado              | 122    | 12 20   |
| Ward, John M.        | Ninth              | Butte                  | 156    | 15 60   |
| Ward, C. H.          | Thirty-ninth       | San Francisco          | 168    | 16 80   |
| Weaver, J. H. G.     | Third              | Humboldt               | 624    | 62 40   |
| Whitcomb, N. T.      | Thirty-fifth       | San Francisco          | 168    | 16 80   |
| Wood, George         | Sixth              | Plumas and Sierra      | 238    | 23 80   |
| Woodward, F. J.      | Fifty-ninth        | San Joaquin            | 96     | 9 60    |
| Yule, John           | Fourth             | Trinity and Shasta     | 434    | 43 40   |
| W. H. Parks, Speaker | Thirteenth         | Sutter and Yuba        | 104    | 10 40   |

## OFFICERS.

| OFFICE.                    | Name.            | County.       | Miles. | Amount. |
|----------------------------|------------------|---------------|--------|---------|
| Assistant Clerk            | Aaron Smith      | Los Angeles   | 956    | \$95 60 |
| Assistant Clerk            | C. S. Long       | Alameda       | 182    | 18 20   |
| Assistant Clerk            | Ed. J. Smith     | San Francisco | 168    | 16 80   |
| Minute Clerk               | T. E. Atkinson   | San Francisco | 168    | 16 80   |
| Assistant Minute Clerk     | R. D. Cannon     | Sonoma        | 282    | 28 20   |
| Journal Clerk              | F. J. Brandon    | Santa Clara   | 256    | 25 60   |
| Assistant Journal Clerk    | Frank W. Marston | Alameda       | 182    | 18 20   |
| Engrossing Clerk           | Jacob Shaen      | San Francisco | 168    | 16 80   |
| Sergeant-at-Arms           | J. Porter        | Santa Cruz    | 410    | 41 00   |
| Assistant Sergeant-at-Arms | A. F. Chapman    | Sierra        | 238    | 23 80   |
| Committee Clerk            | O. H. Jones      | San Francisco | 168    | 16 80   |
| Postmistress               | Mrs. L. Stratton | San Francisco | 168    | 16 80   |
| Clerk Sergeant-at-Arms     | F. G. Huskey     | Napa          | 122    | 12 20   |
| Clerk Sergeant-at-Arms     | Norris           | El Dorado     | 122    | 12 20   |
| Copying Clerk              | S. F. Taylor     | San Francisco | 168    | 16 80   |
| Chaplain                   | Carroll M. Davis | Sacramento    | 1      | 10      |
| Chief Clerk                | F. D. Ryan       | Sacramento    | 1      | 10      |
| Mail Carrier               | J. F. Hawkins    | San Francisco | 168    | 16 80   |

DEVENY, Chairman.

Messrs. Jones, Davis, Ryan, and Chaplain Davis donated their mileage to the State.

On motion of Mr. May, the resolution of the Committee on Mileage was amended by inserting after the word "warrants" the following words: "Upon the proper funds respectively," and by striking out after the words "the same," the words "from the moneys appropriated to the General Fund."

The report, as amended, was adopted.

## SECOND READING OF BILL.

Assembly Bill No. 1—An Act making appropriations to pay the expenses of the extra session of the Twenty-sixth Legislature of the State of California during the thirty-eighth fiscal year.

Read second time.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. May, the House went into Committee of the Whole, for the purpose of further considering Assembly Bill No. 1—An Act making appropriations to pay the expenses of the extra session of the Twenty-sixth Legislature of the State of California during the thirty-eighth fiscal year.

Speaker Parks in the chair.

The bill was considered in the Committee of the Whole.

IN ASSEMBLY.

Speaker Parks in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated the report as follows: Gentlemen—The Committee of the Whole have had under consideration Assembly Bill No. 1—An Act making appropriations to pay the expenses of the extra session of the Twenty-sixth Legislature of the State of California during the thirty-eighth fiscal year, and now report back and recommend its passage.

Report received.

MATTER OF URGENCY.

Mr. May moved that in accordance with the provisions of the Constitution, Assembly Bill No. 1—An Act making appropriations to pay the expenses of the extra session of the Twenty-sixth Legislature of the State of California during the thirty-eighth fiscal year—be made a matter of urgency, and that the provisions of the Constitution requiring the reading of a bill on three separate days, be suspended, and that the bill be put upon its passage.

The roll was called, and not having received the required two-thirds vote, the motion was lost by the following vote:

AYES—Messrs. Almy, Ashe, Barnes, Black, Britt, Buhlert, Carter of Contra Costa, Carter of Solano, Clark, Cook, Daley, Davis, DeWitt, Douglas, Firebaugh, Franklin, Goucher, Gregory, Heath, Heywood, Jones, Jordan, Lovell, May, McGlashan, McJunkin, Mears, Morris, Patterson, Pyle, Reeves, Sullivan, Torrey, Van Voorhies, Walrath, Watson of Alameda, Watson of El Dorado, Ward of Butte, Ward of San Francisco, Whitcomb, Woodward, Yule, and Mr. Speaker—46.

NOES—Messrs. Allen, Banbury, Colby, Deveny, Dooling, Edwards, Ellison, French, Hazard, Kalben, Laughlin, Long, McDonald, and Moffitt—14.

Bill ordered engrossed and to be read third time.

PETITIONS.

By Mr. Ashe: Seven petitions from the citizens of Kern County relating to irrigation.

Referred to Committee on Irrigation.

## ASSEMBLY CHAMBER, SACRAMENTO, July 30, 1886.

*Honorable R. F. Morrison, Chief Justice of the Supreme Court of the State of California:*  
You are hereby notified to appear before a Committee on Investigation on Friday, August 6, 1886, at three o'clock p. m., in the Supreme Court-room, in pursuance of a resolution adopted by the Assembly this thirtieth day of July, 1886, at which time the committee will proceed to the investigation of the complaint presented to said Assembly against yourself, a copy of which is herewith served.

Attest: FRANK D. RYAN, Chief Clerk. W. H. PARKS, Speaker of the Assembly.  
By C. S. LONG, Assistant Clerk.

The report was ordered to lay on the table.

## GENERAL FILE—FIRST READING OF BILLS.

Assembly Bill No. 2—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Read first time, and ordered to second reading.

Assembly Bill No. 7—An Act to amend section one thousand four hundred and twenty-two of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to water rights.

Read first time, and ordered to second reading.

## REPORT OF STANDING COMMITTEE.

## ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, August 1, 1886.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bills Nos. 3 and 8—Each being an Act concerning the ownership of water in natural innavigable streams, and providing for the acquisition thereof by appropriation—have had the same under consideration, and respectfully report the same back, and recommend that Assembly Bill No. 8 do pass, as amended, and as a substitute for Assembly Bill No. 3.

EDWARDS, Chairman pro tem.

## MOTION.

Mr. Munday moved that the bill be ordered printed as amended.  
So ordered.

## RESOLUTION.

By Mr. Buhlert:

*Resolved*, That when this House adjourns, it adjourn to meet at one o'clock a. m. Tuesday, August 3, 1886.

Roll call demanded by Messrs. Goucher, Long, and Moffitt.  
The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Allen, Ashe, Buhlert, Culver, Daley, Davis, Deveny, Edwards, Ellison, Firebaugh, Franklin, French, Henry, Heywood, Hunt, Jones, Jordan, Kalben, Lovell, May, McJunkin, Pyle, Sullivan, Swayne, Watson of Alameda, Ward of San Francisco, Whitcomb, and Wood—28.

NOES—Messrs. Britt, Carter of Solano, Clark, Colby, Goucher, Hollister, Laughlin, Long, Loud, McDonald, McLean, Moffitt, Patterson, Pellet, Porter, Roseberry, Torrey, Ward of Butte, Woodward, and Yule—22.

## ADJOURNMENT.

At two o'clock and forty minutes p. m., on motion of Mr. Culver, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Tuesday, August 3, 1886. }

The House met, pursuant to adjournment, at one o'clock a. m.

Speaker Parks in the chair.

The roll was called, and the following members answered to their names:

Messrs. Allen, Ashe, Banbury, Barnes, Britt, Buhlert, Carter of Contra Costa, Carter of Solano, Clark, Colby, Cook, Culver, Daley, Davis, Deveny, DeWitt, Douglas, Edwards, Firebaugh, Franklin, French, Goucher, Gregory, Hazard, Heath, Henley, Henry, Heywood, Hollister, Hunt, Johnson, Jones, Jordan, Kalben, Laughlin, Long, Loud, Lovell, May, McDonald, McGlashan, McJunkin, McLean, McMurray, Mears, Moffitt, Munday, Patterson, Pellet, Reeves, Roseberry, Russ, Sullivan, Swayne, Torrey, Van Voorhies, Walrath, Watson of Alameda, Ward of Butte, Ward of San Francisco, Whitcomb, Woodward, Yule, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Pending the reading of the Journal, Mr. Firebaugh moved that the further reading of the Journal be dispensed with.

So ordered.

## RESOLUTION.

By Mr. Culver:

*Resolved*, That the House proceed at once to the election of a United States Senator.

Mr. McJunkin offered the following substitute resolution:

*Resolved*, That the Assembly do now proceed to the election of a United States Senator, vice Hon. George Hearst, term expired.

Adopted.

## LEAVE OF ABSENCE.

Messrs. DeWitt and Porter were granted one day's leave of absence.

## ELECTION OF UNITED STATES SENATOR.

The Assembly, at one o'clock and ten minutes a. m., proceeded to the election of a United States Senator to succeed the Hon. George Hearst, in accordance with the following Act of Congress:

Title two, chapter one, Revised Statutes United States—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866.

*Be it enacted by the Senate and House of Representatives of the United States in Congress assembled:*

SECTION 14. The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for, who receives a majority of the whole number of votes in each House, shall be entered on the Journal of that House by the Clerk or Secretary thereof; or if either House fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock meridian, of the day following that on which proceedings are required to take place, as aforesaid, the members of the two Houses shall convene in joint assembly, and the Journal of each

House shall then be read, and if the same person has received a majority of all votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose by a viva voce vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock meridian of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

Sec. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, as prescribed in the preceding section for the election of a Senator for a full term.

Sec. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized, and has notice of such vacancy.

Sec. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

NOMINATIONS FOR UNITED STATES SENATOR.

Mr. May nominated Hon. A. P. Williams.  
 Mr. Jordan seconded the nomination of Hon. A. P. Williams.  
 Mr. Britt nominated Hon. George Hearst.  
 Mr. Gregory seconded the nomination of Hon. George Hearst.  
 The roll was called, with the following result:

*For Williams*—Messrs. Allen, Banbury, Barnes, Buhlert, Carter of Contra Costa, Carter of Solano, Colby, Cook, Culver, Daley, Davis, Deveny, Douglas, Firebaugh, Franklin, French, Hazard, Heath, Heyward, Hollister, Hunt, Jones, Jordan, Kalben, Laughlin, Long, Loud, Lovell, May, McGlashan, McJunkin, McLean, McMurray, Mears, Patterson, Pellet, Pyle, Reeves, Roseberry, Sullivan, Torrey, Van Voorhies, Walrath, Watson of Alameda, Ward of Butte, Ward of San Francisco, Whitcomb, Wood, Woodward, Yule, and Mr. Speaker.

*For Hearst*—Messrs. Ashe, Britt, Clark, Goucher, Gregory, Henley, Henry, Johnson, McDonald, Moffitt, and Munday.

|                                   |    |
|-----------------------------------|----|
| Whole number of votes cast.....   | 6  |
| Necessary to a choice.....        | 63 |
| Hon. A. P. Williams received..... | 40 |
| Hon. George Hearst received.....  | 52 |
|                                   | 11 |

The Speaker announced the vote, and declared that the Hon. A. P. Williams, having received a majority of the votes of the whole House, is the choice of the Assembly of the State of California for United States Senator for the remainder of the term of the Hon. John F. Miller, deceased, and vice Hon. George Hearst, term expired by the convening of the Assembly in extra session by his Excellency Hon. George Stoneman, on the twentieth day of July, A. D. 1886.

MOTION.

Mr. McJunkin moved that when the House adjourns, it adjourn to meet on Wednesday, August 4, 1886, at eleven o'clock and thirty minutes A. M. So ordered.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, August 3, 1886.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted the following resolution:

*Resolved*, That the Secretary of the Senate be instructed to inform the Assembly that the Senate will meet it in joint convention at twelve o'clock meridian to-morrow.

EDWIN F. SMITH, Secretary of the Senate.  
 By F. J. SAXE, Assistant Secretary.

Also, the following:

SENATE CHAMBER, SACRAMENTO, August 3, 1886.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted the following resolution:

*Resolved*, That the Secretary of the Senate report forthwith to the Assembly the action taken by the Senate concerning the election of a United States Senator to fill the vacancy caused by the death of Hon. John F. Miller, which vacancy has since been temporarily filled by appointment by the Executive of this State.

|                         |         |           |
|-------------------------|---------|-----------|
|                         | RESULT: |           |
| For A. P. Williams..... | -----   | 18 votes. |
| For George Hearst.....  | -----   | 13 votes. |

EDWIN F. SMITH, Secretary of the Senate.  
 By F. J. SAXE, Assistant Secretary.

RESOLUTION.

By Mr. Cook:

*Resolved*, That the Clerk forthwith inform the Senate of the vote for United States Senator in this House, to fill the vacancy caused by the death of Hon. John F. Miller, which said vacancy has been temporarily filled by appointment by the Executive of this State, and that the Senate be requested to meet in this Assembly Chamber to-morrow, August 4, 1886, in joint assembly, for the purpose of electing, or declaring the election, of a United States Senator, pursuant to the revised statutes of the United States.

Adopted.

ADJOURNMENT.

At one o'clock and thirty-five minutes A. M., on motion of Mr. Franklin, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,  
 Wednesday, August 4, 1886. }

The House met pursuant to adjournment.  
 Speaker Parks in the chair.  
 The roll was called, and the following members answered to their names:

Messrs. Allen, Ashe, Banbury, Barnes, Britt, Carter of Contra Costa, Carter of Solano, Clark, Colby, Cook, Culver, Davis, DeWitt, Dooling, Douglas, Ellison, Firebaugh, Franklin, French, Goucher, Gregory, Hazard, Heath, Henley, Henry, Heywood, Hollister, Hunt, Hussey, Jones, Jordan, Laughlin, Long, Loud, Lovell, May, McDonald, McGlashan, McJunkin, McLean, McMurray, Mears, Munday, Patterson, Pellet, Porter, Pyle, Reeves, Sullivan, Swayne, Van Voorhies, Walrath, Watson of Alameda, Watson of El Dorado, Ward of Butte, Ward of San Francisco, Whitcomb, Wood, Woodward, Yule, and Mr. Speaker.

Quorum present.

LEAVE OF ABSENCE.

The Chaplain was granted one day's leave of absence.  
 Pending the reading of the Journal, Mr. Firebaugh moved that further reading be dispensed with.  
 So ordered.

## LEAVE OF ABSENCE.

One day's leave of absence was granted to Senators Cross and Kellogg, and to Ray Falk, Minute Clerk.

## RECESS.

At three o'clock and five minutes P. M. Mr. McClure moved to take a recess for fifteen minutes.

Objection having been raised, the motion was withdrawn.

At three o'clock and seven minutes P. M. Mr. Del Valle renewed the motion to take a recess for fifteen minutes.

So ordered.

## REASSEMBLED.

At four o'clock and forty minutes P. M. the Senate reassembled. President Daggett in the chair.

Mr. Del Valle moved to adjourn until nine o'clock P. M.

Mr. Boone moved to amend, to meet at one o'clock A. M., Tuesday.

The President announced that under the rules the shortest time would be voted upon first.

The ayes and noes were demanded by Senators Parkinson, Boone, and Days.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Cox, Creighton, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of Sonoma, Lynch, Mahler, and Taylor—11.

NOES—Messrs. Boone, Chandler, Days, DeLong, Hurlburt, Lowe, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Steele, Wallis, and Whitney—16.

At four o'clock and fifty-six minutes P. M. Mr. Boone renewed his motion to adjourn until twelve o'clock and thirty minutes A. M., Tuesday, August 3, 1886.

Mr. Lynch moved a call of the Senate.

The ayes and noes were demanded by Senators Filcher, Taylor, and Lynch.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Cox, Creighton, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of Sonoma, Lynch, Mahler, and Taylor—11.

NOES—Messrs. Boone, Chandler, Days, DeLong, Hurlburt, Lowe, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Steele, Wallis, and Whitney—16.

At four o'clock and fifty-five minutes P. M. Mr. Drum moved to adjourn.

The ayes and noes were demanded by Senators Drum, Taylor, and Lynch.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Cox, Creighton, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of Sonoma, Lynch, Mahler, and Taylor—11.

NOES—Messrs. Boone, Chandler, Days, DeLong, Hurlburt, Lowe, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Steele, Wallis, and Whitney—16.

Mr. Lynch moved a call of the Senate.

The ayes and noes were demanded by Senators Taylor, Lynch, and Creighton.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Cox, Creighton, Del Valle, Dougherty, Drum, Filcher, Foster, Lynch, Mahler, and Taylor—10.

NOES—Messrs. Boone, Chandler, Days, DeLong, Hurlburt, Johnson of Sonoma, Lowe, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Steele, Wallis, and Whitney—17.

## ADJOURNMENT.

The question recurring on the motion of Mr. Boone to adjourn until twelve o'clock and thirty minutes A. M., Tuesday, August 3, 1886, it was carried.

Whereupon, the President declared the Senate adjourned.

SENATE SPECIAL SESSION

## IN SENATE.

SENATE CHAMBER,  
Tuesday, August 3, 1886. }

The Senate met at twelve o'clock and thirty minutes A. M.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Boone, Chandler, Cox, Creighton, Days, DeLong, Del Valle, Dougherty, Drum, Filcher, Foster, Hurlburt, Johnson of San Bernardino, Johnson of Sonoma, Langford, Lowe, Lynch, Mahler, McClure, Palmieri, Parkinson, Perry, Routier, Saxe, Steele, Taylor, Vrooman, Wallis, Whitney, and Wright.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

One day's leave of absence was granted to Senators Cross, Kelly, Kellogg, Knight, Reddy, and Spencer of Napa.

## RESOLUTION—(OUT OF ORDER).

Mr. McClure offered the following:

*Resolved*, That the Senate now proceed to ballot for a Senator in Congress, to fill the vacancy caused by the death of the Hon. John F. Miller, which vacancy has since been temporarily filled by appointment by the Executive of this State.

Adopted.

The President of the Senate directed the Secretary to read the Act of Congress, as follows:

Title two, chapter one, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senator in Congress, approved July 25, 1866.

SECTION 14. The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for, who received a majority of the whole number of votes cast in each House, shall be entered on the Journal of that House by the Clerk or Secretary thereof, or if either House fails to give such majority

to any person on that day, the fact shall be entered on the Journal. At twelve o'clock m. of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in joint assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose by a viva voce vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock m. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized, and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The President announced that nominations were now in order for a United States Senator in Congress, to fill the vacancy occasioned by the death of Hon. John F. Miller, which vacancy has since been temporarily filled by appointment by the Executive of this State.

Mr. Whitney nominated Mr. A. P. Williams.

Mr. Johnson of Sonoma nominated Hon. George Hearst.

The President declared the nominations closed, and, in accordance with the requirements of the section of the Act above quoted, the Secretary called the roll of the Senate, and each Senator announced the name of the person for whom he voted, as follows:

*For Williams*—Messrs. Boone, Chandler, Days, DeLong, Hurlburt, Johnson of San Bernardino, Lowe, McClure, Palmieri, Parkinson, Perry, Routier, Saxe, Steele, Vrooman, Wallis, Whitney, and Wright.

*For Hearst*—Messrs. Baldwin, Cox, Creighton, Del Valle, Dougherty, Drum, Filcher, Foster, Johnson of Sonoma, Langford, Lynch, Mahler, and Taylor.

|                                  |    |
|----------------------------------|----|
| Whole number of votes cast.....  | 31 |
| Mr. A. P. Williams received..... | 18 |
| Hon. George Hearst received..... | 13 |

#### RESOLUTIONS.

By Mr. McClure:

*Resolved*, That the Secretary of the Senate report forthwith to the Assembly the action taken by the Senate concerning the election of a United States Senator to fill the vacancy caused by the death of Hon. John F. Miller, which vacancy has been since temporarily filled by appointment by the Executive of this State.

Adopted.

Also:

*Resolved*, That the Secretary of the Senate be instructed to inform the Assembly that the Senate will meet it in joint convention at twelve o'clock meridian to-morrow.

Adopted.

#### ADJOURNMENT.

At one o'clock A. M., on motion of Mr. McClure, the Senate adjourned until Wednesday, August fourth, at eleven o'clock and thirty minutes A. M.

#### IN SENATE.

SENATE CHAMBER,  
Wednesday, August 4, 1886. }

The Senate met at eleven o'clock and fifty-five minutes A. M.  
President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boone, Chandler, Cox, Creighton, Days, DeLong, Del Valle, Drum, Foster, Hurlburt, Johnson of Sonoma, Kelly, Kellogg, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Taylor, Vrooman, Wallis, and Wright.

Quorum present.

Prayer by the Chaplain.

Mr. Wright moved to take up Assembly messages.

So ordered.

#### ASSEMBLY MESSAGE.

ASSEMBLY CHAMBER, SACRAMENTO, August 3, 1886.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following resolution, viz:

*Resolved*, That the Clerk forthwith inform the Senate of the vote for United States Senator in this House, to fill the vacancy caused by the death of Hon. John F. Miller, which said vacancy has been temporarily filled by appointment by the Executive of this State, and that the Senate be requested to meet in this Assembly Chamber to-morrow, August 4, 1886, in joint assembly, for the purpose of electing, or declaring the election, of a United States Senator, pursuant to the revised statutes of the United States.

FRANK D. RYAN, Chief Clerk.

Journal of Tuesday, August 3, 1886, partially read, and, on motion of Mr. Boone, the further reading of the Journal was dispensed with, and the Journal approved.

At eleven o'clock and fifty-eight minutes A. M., on motion of Mr. McClure, the Senate proceeded to meet the House in joint assembly, for the election of a United States Senator.

#### IN JOINT ASSEMBLY.

Wednesday, August 4, 1886, at twelve o'clock meridian, pursuant to an Act of Congress, entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, the Senate and Assembly met in joint assembly.

Hon. John Daggett, Lieutenant-Governor and President of the Senate, in conjunction with the Hon. W. H. Parks, Speaker of the Assembly, presiding.

The roll of the Senate was called by the Secretary, and the following Senators answered to their names:

Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Drum, Foster, Hurlburt, Johnson of Sonoma, Kelly, Kellogg, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Routier, Saxe, Spencer of Napa, Steele, Taylor, Vrooman, Wallis, and Wright.

The Chief Clerk of the Assembly called the roll of the Assembly, and the following members responded to their names:

Messrs. Allen, Ashe, Barnes, Britt, Carter of Contra Costa, Carter of Solano, Colby, Cook, Culver, Davis, Deveny, DeWitt, Dooling, Douglas, Ellison, Firebaugh, Franklin, French, Goucher, Gregory, Hazard, Heath, Henley, Henry, Heywood, Hollister, Hunt, Hussey,

Jones, Jordan, Long, Loud, Lovell, May, McDonald, McGlashan, McJunkin, McLean, McMurray, Mears, Munday, Patterson, Pellet, Porter, Pyle, Reeves, Sullivan, Swayne, Van Voorhies, Walrath, Watson of Alameda, Watson of El Dorado, Ward of Butte, Ward of San Francisco, Whitcomb, Wood, Woodward, Yule, and Mr. Speaker.

The President of the Senate directed the Secretary of the Senate to read the Act of Congress, requiring a joint assembly to be held this day, as follows:

Title two, chapter one, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senator in Congress, approved July 25, 1866.

SECTION 14. The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for, who received a majority of the whole number of votes cast in each House, shall be entered on the Journal of that House by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock m. of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in joint assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose by a viva voce vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock m. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized, and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Secretary of the Senate read from the Journal of the Senate so much of the proceedings of Tuesday, the third instant—the same being the second Tuesday after the organization of the twenty-sixth (extra) session of the Legislature—as relates to a ballot for the election of a United States Senator in Congress, to fill the vacancy occasioned by the death of Hon. John F. Miller, which vacancy has since been temporarily filled by appointment by the Executive of this State, whereby it appears that thirty-one Senators were present and voted, each his choice, and that A. P. Williams received eighteen votes, and the Hon. George Hearst received thirteen votes.

The Chief Clerk of the Assembly read so much of the Journal of the Assembly as related to the proceedings of that body, in regard to the election of a United States Senator in Congress, held in accordance with an Act of Congress above referred to, and it appeared that sixty-three members of the Assembly were present, and each voted for his choice, and A. P. Williams received fifty-two votes, a majority of all the votes cast, and Hon. George Hearst received eleven votes.

The President of the Senate then announced the result of the ballot as follows:

|                                  |    |
|----------------------------------|----|
| Whole number of votes cast.....  | 94 |
| Necessary to a choice.....       | 48 |
| Mr. A. P. Williams received..... | 70 |
| Hon. George Hearst received..... | 24 |

And declared that Mr. A. P. Williams, having received a majority of the votes cast by the members of both Houses, is the choice of the Legislature of the State of California for United States Senator in Congress, to fill the vacancy occasioned by the death of Hon. John F. Miller, which vacancy has since been temporarily filled by appointment by the Executive of this State.

Mr. McClure moved that the minutes of the proceedings in the Joint Assembly be read.

So ordered, and minutes approved.

At twelve o'clock and twenty minutes p. m. the President of the Senate announced that both Houses, having performed their duties regarding the election of a United States Senator, are now dissolved.

JOHN DAGGETT,  
President of the Senate.  
W. H. PARKS,  
Speaker of the Assembly.

REASSEMBLED.

At twelve o'clock and twenty-five minutes p. m. the Senate reassembled. President Daggett in the chair.

ADJOURNMENT.

At twelve o'clock and twenty-six minutes p. m., on motion of Mr. Perry, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,  
Thursday, August 5, 1886. }

The Senate met at eleven o'clock a. m.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boone, Chandler, Cox, Creighton, Cross, Days, DeLong, Del Valle, Dougherty, Drum, Foster, Hurlburt, Johnson of Sonoma, Kelly, Kellogg, Lowe, Lynch, Mahler, McClure, Palmieri, Parker, Parkinson, Perry, Reddy, Routier, Saxe, Spencer of Napa, Steele, Taylor, Wallis, and Wright.

Quorum present.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Two days' leave of absence was granted to Senator Knight.

Four days' leave of absence was granted to Senator Vrooman.

One day's leave of absence was granted to Senators Langford and Baldwin.