JOURNAL
OF THE
FOURTH SESSION
OF THE
LEGISLATURE
OF THE
STATE OF CALIFORNIA,
BEGAN
ON THE THIRD DAY OF JANUARY, 1858, AND ENDED ON THE NINETEENTH DAY OF MAY, 1858, AT THE CITIES OF VALLEJO AND BENICIA.
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1858.
So the Senate adjourned.

SAMUEL PURDY,
President of the Senate

A. C. BRADFORD, Secretary

IN SENATE.

MONDAY, February 28, 1866.

Senate met pursuant to adjournment, and was called to order by
Secretary...

Prayer by Rev. Mr. Benton.

On motion of Mr. Estill, Mr. Coffroth took the chair.

The Journal of Saturday was read and approved.

Mr. Hubbs presented the petition of citizens of Sonora, Tuolumne county, praying the passage of a law prohibiting, under suitable regulations, public auctions, exhibitions and amusements on the first day of the week, and moved its reference to the Committee on Public Vice and Morality. Agreed to.

Mr. Lind, from the Joint Committee on Enrolled Bills, reported directly enrolled, “Joint Resolution on the subject of the distribution by gress of the maps and charts of Capt. Cadwallader Ringgold, and Act granting to Sheriffs further time for final settlement.”

Report adopted.

On motion of Mr. Ralston, the Committee on Elections were instructed to report a bill amending the law in relation to elections in such manner as to authorize the people to elect a County Treasurer, and all other officers made elective by the Constitution, and to provide for special elections to fill all vacancies that may occur in such offices.

Mr. Roach, pursuant to notice, moved a re-consideration of the rejecting the bill for “An Act in relation to Port Wardens in San Francisco, Sacramento, and other Ports of California,” which was agreed to, and the vote re-considered.

On motion of Mr. Lind, the bill was laid upon the table.

Mr. Lyons moved a reconsideration of the vote upon the passage of Assembly bill for “An Act to abolish the Superior Court of the
San Francisco; to repeal certain laws relative thereto; and to provide for the transfer of the records and proceedings of said Court.

On which Messrs. Estill, Hubbs and Kurtz demanded the ayes and nays, with the following result:

**AYES.**

Messrs. Coffroth, De la Guerra, Estill, Gruevel, Hubbs, Kurtz, Lind,


**NAYS.**

Mr. Smith—1.

So the vote was reconsidered.

On motion of Mr. Lyons, the vote on the third reading of the bill was also reconsidered, and the bill referred to the delegation from San Francisco.

On motion of Mr. Ralston, Mr. Catlin was granted one day’s leave of absence.

Mr. Estill moved that Mr. Sprague be granted twelve days’ leave of absence. Agreed to.

On motion of Mr. Smith, Mr. Wade was granted one day’s leave of absence.

On motion of Mr. Lott, Messrs. Hager and Snyder were granted one day’s leave of absence.

Mr. Roach moved that Messrs. Baird and Foster be granted one day’s leave of absence.

Mr. Wombough moved, as a substitute, that one day’s leave of absence be granted to all the absentees; which was agreed to.

Mr. Wombough introduced the following resolution:

Whereas, Frequent applications have been made to various persons by members of the Historical Society of this State for incidents connected with the early history of California, therefore—

Resolved, That the Secretary of State be and is hereby authorized and required to use his best endeavors to procure from Col. J. C. Fremont, (or wherever it may be found,) the original Declaration of Independence of the province of Upper California, during the civil Revolution of 1846, known as the "Bear Flag War," with all possible information relative thereto. Also, the original flag around which that gallant band of daring spirits rallied, and being in advance of the General Government, planted the flag of Republican liberty on the shores of the Pacific, south of 42 north latitude.
The resolution was adopted.

Mr. Lyons, agreeably to notice, introduced a bill for "An Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads;" which was read the first time and ordered printed under the rule.

Mr. Roach, agreeably to notice, introduced a bill for "An Act to amend an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions," passed April 22, 1850.

The bill was read a first and second time, the rules suspended, it was considered engrossed, read a third time and passed.

A message was received, informing the Senate that the Assembly passed, on the 26th inst., a bill for "An Act to authorize the State Treasurer to issue a duplicate School Land Warrant."

"An Act to authorize County Recorders to administer oaths."

And passed Senate bill for "An Act to prevent the use of false Stamps and Labels."

Also, Senate bill for "An Act to amend an Act concerning Crimes and Punishments," passed April 16, 1850.

Also, Senate bill for "An Act to prevent the establishment of Pest Houses in any town or city in this State," with amendments as therein shown.

Also, Senate bill for "An Act concerning the securities of the late John H. Phillips, deceased, County Treasurer of El Dorado county," with an amendment as therein shown.

Assembly bill for "An Act to authorize County Recorders to administer Oaths," was read a first and second time, and referred, on motion of Mr. Lott, to the Committee on the Judiciary.

Assembly bill for "An Act to authorize the State Treasurer to issue a duplicate School Land Warrant," was read the first and second time, when Mr. Smith moved its reference to the Committee on Finance, which was agreed to.

On motion of Mr. Walton, the Committee were instructed, also, to inquire into the case of Giles E. Strong.

Senate bill for "An Act to prevent the establishment of Pest Houses in any town or city in this State," was, on motion of Mr. Smith, laid upon the table.

Mr. Walton moved that the Senate concur in Assembly amendment to Senate bill for "An Act concerning the securities of the late John H. Phillips, deceased, County Treasurer of El Dorado county."

On which Messrs. Hubbs, Gruwell and Wombough demanded the ayes and nays with the following result:

**AYES.**

NAYS.


The Senate concurred in the amendment of the Assembly.
Smith moved an adjournment, on which Messrs. Lyons, Hubbs Wombough demanded the ayes and nays with the following result:

AYES.

Messrs. Coffroth, De la Guerra, Estill, Gruwell,


NAYS.

Messrs. Hubbs, Kurtz, Lott, Lyons,


The motion to adjourn was lost.
Wombough moved a call of the Senate, which was sustained, and Gruwell, Smith and Walton were absent.
Two absentees appeared, when on motion of Mr. Lyons, further proceedings under the call were dispensed with.
Lyons gave notice that he would, at an early day, introduce a bill to provide for the election of State Printer.
On motion of Mr. Smith, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

C. BRADFORD, Secretary.