

**THE JOURNAL OF THE ASSEMBLY
DURING THE TWENTY-FIFTH
(EXTRA) SESSION OF THE
LEGISLATURE OF THE STATE OF
CALIFORNIA, 1884**

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CALIFORNIA LEGISLATURE ASSEMBLY

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1884.

BEGAN ON MONDAY, MARCH TWENTY-FOURTH, AND ENDED ON TUESDAY, MAY
THIRTEENTH, EIGHTEEN HUNDRED AND EIGHTY-FOUR.



SACRAMENTO:
STATE OFFICE, JAMES J. AYERS, SUPT. STATE PRINTING.
1884.

JOURNAL

OF THE

PROCEEDINGS OF THE ASSEMBLY.

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CALIFORNIA LEGISLATURE—ASSEMBLY.

TWENTY-FIFTH (EXTRA) SESSION.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, March 24, 1884. }

Pursuant to the terms of the proclamation issued by his Excellency Governor George Stoneman, the Assembly of the State of California convened in extra session on the twenty-fourth day of March, eighteen hundred and eighty-four, at the hour of twelve o'clock M., and was called to order by Speaker La Rue.

Chief Clerk M. C. Haley, Sergeant-at-Arms James M. Farrelly, Minute Clerk Thomas Cleary, and the several other officers and clerks of the Assembly, occupied their respective positions.

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

Messrs. Atwell, Barry, Beard, Booth, Bowers, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crompton, Quiver, Cutter, Doty, Fasley, Faw, Field, Fleming, Flynn, Fortna, Gaussal, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keefer, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Rysn, Simon, Stephens, Stewart, Storke, Sweedland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer was offered by the Chaplain, Rev. Mr. Wara.

The following members, elected to fill vacancies, presented themselves and were duly qualified by taking the following oath of office, administered by the Speaker, H. M. La Rue:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of member of the Assembly of the State of California, according to the best of my ability, so help me God.

D. G. Barnes.....Solano County.
A. A. Bayley.....El Dorado and Alpine Counties.
J. W. Breckinridge.....Merced and Mariposa Counties.

The proclamation of the Governor, under which the Legislature convened, was read by the Chief Clerk as follows; and, on motion of Mr. Johnston, was spread in full on the minutes:

PROCLAMATION.

STATE OF CALIFORNIA—EXECUTIVE DEPARTMENT, March 5, 1884.

To the Senate and Assembly of the State of California:

For four years the chief railroad companies of this State have refused to obey the laws imposing taxes upon their property.

Legal actions instituted against them to enforce collection, after having been under various pretexts delayed, have lately been terminated by proceedings through which it was practically established that, whilst nothing was legally collectible from those corporations, yet the State was willing to accept whatever they in their discretion saw fit to accord. The humiliating attitude in which the State of California is thus placed must fill the heart of every public-spirited citizen with regret and mortification; whilst the disturbance of our whole financial system, caused by the repeated and persistent delinquency of these companies, no wise man should willingly permit to continue. More stringent and effective measures for the collection of revenues from the railroads are imperatively demanded.

The present condition of affairs also demands a change with reference to the regulation of the business of transportation companies.

The system of electing Railroad Commissioners from districts has not given satisfaction. A wide-spread discontent exists, engendered by the delay in adjusting a tariff of fares and freights. If the results so long hoped for from a Railroad Commission are ever to be attained it must be through a revision of the Constitution and laws upon this subject.

Now therefore, an extraordinary occasion having arisen, I, George Stoneman, Governor of the State of California, by virtue of the power in me vested by the Constitution of the State, do hereby convene the Legislature to meet and assemble at the State Capitol on the twenty-fourth day of March, A. D. 1884, at twelve o'clock M. of that day; and do hereby specify the following subjects upon which it is assembled to legislate:

First—To propose and submit to the people of the State of California an amendment to Section 4 and to Section 10 of Article 13 of the Constitution of the State.

Second—To propose and submit to the people of the State of California an amendment to Section 22 of Article 12 of the Constitution of the State.

Third—To propose and submit to the people of the State of California an amendment to the Constitution of the State by which the Railroad Commission as now existing shall be abolished, and in lieu thereof a Railroad Commission, to be composed of three Commissioners, shall be created, said Commissioners to be appointed in such manner as may be provided by law, from the time of the adoption of said amendment until the next general election; and then to be elected at said election from the State at large; and to prescribe the term of office, duties, authority, and powers of said Commission.

Fourth—To enact all laws necessary for the assessment to and collection from all railroad corporations or companies doing business in this State, of income taxes.

Fifth—To amend or repeal any or all existing laws relating to revenue, and to enact new laws relating to the same.

Sixth—To propose and submit to the people of the State of California an amendment to the Constitution of the State, to the end that all property belonging to railroad corporations may and shall be assessed by the State Board of Equalization in the same manner as property belonging to individuals is now assessed by local Assessors; and that mortgages and deeds of trust, contracts, or other obligations by which a debt is secured covering the property of railroad corporations shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby.

Seventh—To enact laws providing that the property of railroad corporations or companies may and shall be sold for the payment of delinquent taxes in the same manner as the property of private persons is sold under the same circumstances.

Eighth—To enact laws providing that no writ for the prevention of the collection of any revenue or to hinder or delay the collection of the same, or to prevent or interfere with the sale of property for delinquent taxes, shall in anywise issue, either injunction, prohibition, or any other writ or process whatever; but that in all cases in which, for any reason, any person shall claim that any tax paid by him was illegally or wrongfully levied or collected, he may recover the same by action.

Ninth—To enact laws providing that whenever property is sold for delinquent taxes, a receiver may, upon application of the purchaser, whether said purchaser be a private person or the State, be appointed by any competent Court to take charge of the same from the day of the execution of the certificate of sale.

Tenth—To enact a law declaring that the people of the State of California have not authorized, and do not ratify, any compromise nor any judgment heretofore rendered by consent, in any action or proceeding for the collection of revenue, by which a less amount is or has been received or recovered than the sum due by law or claimed in the complaint in the action in which said judgment was rendered for the tax, interest, and penalty, and providing means for the setting aside said compromises and judgments; and to enact laws more clearly defining the powers and duties of the Attorney-General, District Attorneys, and Boards of Supervisors, with reference to the collection of delinquent taxes.

Eleventh—To propose and submit to the people of the State of California an amendment to

the Constitution, fixing a maximum rate of charges for transportation of passengers and freight on all railroad lines in the State, and for that purpose to classify railroad lines according to length, gauge, or income.

Resolved—To enact laws for the prevention of, and punishment for, discrimination, and for the reform of abuses in railroad transportation.

In witness whereof, I have hereunto set my hand, and caused the Great Seal of the State to be fixed at my office, in the City of Sacramento, this 31st day of March, A. D. 1884.

[SEAL.]

Attest: THOS. L. THOMPSON, Secretary of State.

GEORGE STONEMAN, Governor.

RESOLUTIONS.

By Mr. Irwin:

Resolved, That the Clerk be and he is hereby instructed to inform the Senate that the Assembly is in session, pursuant to the proclamation of his Excellency the Governor, dated March 5, 1884, and ready for the transaction of legislative business.

Adopted.

By Mr. Cutter:

Resolved by the Assembly, the Senate concurring, That a joint committee of three from each House be appointed by the presiding officer thereof, to wait upon the Governor and inform him that the two Houses are in session, and in readiness to receive any communication which he may have to make.

Adopted.

The Speaker appointed on said committee Messrs. Cutter, Irwin, and Booth.

RESIGNATION.

SACRAMENTO, March 24, 1884.

To the Assembly of the State of California:

I herewith respectfully tender my resignation as Chief Clerk.

M. C. HALEY.

Mr. Storke moved that the resignation be accepted.

Mr. Nicol moved to lay the motion on the table.

The Speaker ruled the motion to lay on the table out of order.

Mr. Nicol appealed.

The question being: Shall the decision of the Chair stand as the judgment of the House?

Pending the discussion of the question, at twelve o'clock and twenty-five minutes, Mr. Storke moved that the House take a recess until two o'clock P. M. this day.

Lost.

The question being on the appeal from the decision of the Chair, the Chair was sustained.

The question being then on the motion of Mr. Storke.

Mr. Kerriek moved as an amendment that the word "not" be inserted before the word "accepted."

Pending the consideration of the amendment, Mr. Flynn moved that further consideration of the matter be deferred until Wednesday morning immediately after roll-call.

So ordered.

RESOLUTIONS.

By Mr. Nicol:

Resolved, That the Committees on Judiciary, Corporations, Ways and Means, and Constitutional Amendments be and they are hereby authorized to employ one clerk each at the compensation heretofore allowed them respectively.

Mr. Johnston moved to lay the resolution on the table.

So ordered.

By Mr. Murdock:

Resolved, That each member be allowed twenty-five dollars for contingent expenses, payable out of the Contingent Fund of the Assembly, and that the aggregate amount of the value of stamps and stationery which any member shall draw on requisition from the Secretary of State shall be charged to his account, as a part of his allowance.

Mr. Johnston moved to refer the resolution to the Judiciary Committee.

Lost.

Mr. Irwin moved to amend the resolution by striking out the words "twenty-five," and inserting "fifteen."

Lost.

The question recurring on the resolution, it was adopted.

RECESS.

At twelve o'clock and forty-five minutes, on motion of Mr. Campbell, the House took a recess until three o'clock P. M. this day.

REASSEMBLED.

The House reassembled.

Speaker La Rue in the chair.

Quorum present.

NOTICE OF RECONSIDERATION.

Mr. Nicol gave notice that he would, on to-morrow, move to reconsider the vote whereby the resolution of Mr. Murdock, allowing each member twenty-five dollars for contingent expenses, was adopted.

Mr. Johnston moved to suspend the rules for the purpose of reconsidering the vote by which the resolution of Mr. Murdock, allowing each member twenty-five dollars for contingent expenses, was adopted.

So ordered.

The question then being on the motion to reconsider.

The ayes and noes being demanded by Messrs. Johnston, Cutter, and Nicol, the roll was called, and the motion carried by the following vote:

Ayes—Messrs. Barnes, Barry, Bayley, Bowers, Breckinridge, Briceland, Brown, Callaghan, Clark, Farley, Field, Fleming, Flynn, Gauseill, Granger, Hamilton, Harvey, Head, Healy, Hershey, Irwin, Johnston, Kerriok, Martin, Matthews, McCluskey, McLale, Nicol, Parker, Peterson, Plover, Rittel, Ryan, Simon, Terry, Wheat, Wheelan, and Yell—38.

Noes—Messrs. Atwell, Beard, Booth, Campbell, Carter, Cary, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Faw, Fortna, Hall, Hoath, Hollister, Hunter, Keeler, Levenson, McDonald, McKinley, Murdock, Murphy, O'Connor, Rawle, Reeves, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Waarton, and Mr. Speaker—36.

Mr. Johnston then moved to refer to the Committee on Public Expenditures and Accounts.

So ordered.

Mr. Cutter moved that the committee be instructed to report the resolution to-morrow morning.

So ordered.

RESOLUTIONS.

By Mr. Levenson:

Resolved, That until further order the rules laid down in Cushing's Law and Practice of Legislative Assemblies shall govern the proceedings of this House.