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Sacramento Daily Union, Volume 7, Number 934, 22 March 1854 — CALIFORNIA LEGISLATURE
[ARTICLE]

CALIFORNIA LEGISLATURE—Fifth Session.

SACRAMENTO, March 21, 1854.

SENATE.

Senate met and adjourned, to enable the Sergeant-at-Arms to make certain changes in the arrangement of the Hall.

ASSEMBLY.

House met at the usual hour. Speaker Fairfax in the chair. Roll called and journal read and approved.

Leave of absence was granted to Mr. Davidson till the 24th inst.

Mr. Griffith presented two remonstrances from citizens of Yolo county, against the abolition of the Board of Supervisors of that county. Referred to delegation from Yolo.

Also, from the same, a remonstrance against the Senatorial election. Similarly referred.

Mr. Watkins, from the Committee on Corporations, to whom was referred the bill to incorporate the town of Alameda, reported it back with a substitute. Bill and substitute adopted.

Mr. Fairfax, from the Committee on Claims, reported back Senate bill for the payment of the official reporters in the alleged bribery case, without suggestion or amendment.

The house went into Committee of the Whole to consider the same. Mr. Mandeville in the chair.

No amendment having been proposed, the committee rose, reported the bill back to the house, and it was passed.

Mr. Daniels, from the Committee on Indian Affairs, reported back the joint resolution relating to the removal of the Indians of California without the limits of the State, without amendment, and recommended its passage.

Mr. Conness wished to know where the Indians were to be removed to? Were they to be sent to Oregon, to Washington Territory, to New Mexico, Nebraska, or to Sonora, in all of which places there were white inhabitants? He wished an answer to these questions before he could vote for the resolution.

tion.

Mr. Tivy answered, that it was little difference where they were taken to, so that they were removed beyond the limits of the State.

Mr. Jones—If we ask Congress to remove these Indians, where are we to recommend it to take them to. There are scarcely any lands within the boundaries of the United States that the whites do not either occupy or claim. It would be injustice to the people of Salt Lake to send them there, or among any of the Indian tribes dwelling in the northwest. We must consult the interests of others, as well as our own. If removed, these Indians will have to be taken to some country already settled, and that we dare not do. He hoped the resolution would not be adopted.

Mr. Hunt had a personal knowledge of all the countries between this and the Mississippi river, and would like to know which was to be set apart to receive them. He was satisfied there was no place to which they could be sent this side of Nebraska territory.

Mr. Conness suggested the recommitment of the resolution to the Committee on Indian Affairs.

Mr. Dannels said that all the objections urged against the bill on this floor had been used before the committee, and it was useless to recommit. The committee were indifferent as to whether the resolution passed or not.

Mr. Conness then moved to reconsider the vote by which the resolution was read a third time.

Mr. Ewer understood the effect of the resolution to be a benevolent one, to remove the Indians beyond the white settlements, where they were being rapidly exterminated. Instead of recommitting the resolution, let it be amended so as to express its true design, and allow Congress to select the place to which they are to be taken.

The motion to reconsider prevailed.

Mr. Ewer moved to strike out "without the limits of this State," and insert "east of the main range of the Sierra Nevada mountains."

Mr. Conness moved to commit the whole matter to a special committee of five. Carried.

The following gentlemen were appointed said committee: Messrs, Tivy, Hunt, Jones, Ewer, James.

Mr. Hunt, from the Committee, on Military Affairs, to whom was referred the report of the Quartermaster General, reported the conscription list very defective, recommended a continuance of the office of Quartermaster General, and presented a bill dividing the State into six military districts.

Mr. O'Neil, from the Committee on Engrossments, reported.

Also, Mr. Tivy, from the Committee on Enrolments.

Mr. James, from a majority of the Mileage Com-

Mr. James, from a majority of the mileage Committee, presented a report in accordance with the instructions of the House, showing the amount of mileage to which each member was entitled on account of the late removal of the capital from Benicia.

Mr. Griffith moved the adoption of the report, which motion, after some discussion,

Mr. Kellogg moved to indefinitely postpone.

The motion to indefinitely postpone was lost.

A motion to increase the mileage of the delegates from Tuolumne, Mariposa, San Joaquin and Trinity Tulare, from \$40 to \$90, was lost.

Mr. Fairfield moved to insert \$48 wherever the word "nothing" occurred in the report. Lost.

Mr. Godard moved to insert \$48 wherever \$40 occurred in the report, in relation to the delegates above mentioned.

Mr. Jones moved to lay the report on the table. Lost.

The motion to insert \$48 instead of \$40 was lost.

The report was then adopted.

The Select Committee, to whom was referred Assembly bill to create a Board of Supervisors for the several counties of the State, and to define their duties and powers, reported a substitute, and recommended its adoption.

[The substitute proposes to amend sections 1, 2 and 15 of the act of 1852.]

The substitute was adopted.

And the question recurring on the passage of the bill, it was adopted.

Mr. Dawley, from the Committee on Commerce and Navigation, reported back a bill concerning the construction of dams across the Tuolumne river, with a report adverse to the bill, and a substitute. Bill and substitute adopted.

Also, a bill to change the head of navigation of the Tuolumne river. Bill amended and passed.

A message was received from the Governor, approving an act amendatory of an act concerning courts of justice in this State and official offices.

A communication was received from the Secretary of State, announcing that he had received 50 copies of the official map, and asking instructions as to their disposition.

A message was read from the Senate, giving notice of the passage of a bill repealing the act authorizing the State Treasurer to make special deposits.

Mr. Stevenson gave notice of a bill appropriating the poll tax in the several counties to the improvement of highways and roads.

Mr. Hoyt gave notice of a bill to amend an act concerning the official bonds of officers.

Mr. Hubbard rose to a privileged question, and offered the following preamble and resolution:

Whereas, As reporters are admitted on the floor of this House and furnished with desks and station-

of this House and furnished with desks and stationery, that they may make correct reports of the Legislative proceedings ; therefore,

Resolved, That such reporters as wilfully misrepresent members in their Legislative reports, or have not sufficient intelligence to understand the proceeding of this body, be excluded or expelled from this House.

Mr. Hubbard spoke at some length in advocacy of the resolution, and was followed by Messrs McKinney, Whitman, Conness and Hoyt.

(The objections taken were to a report of certain remarks made by Mr. Hubbard on Saturday last, by Dr. Coleman, and originally published in the *San Francisco Sun*)

Mr. Bagley moved to lay the resolution on the table. Lost.

Mr. Hubbard then withdrew the resolution.

Mr. McBrayer gave notice of a bill to amend the charter of Sacramento city.

UNFINISHED BUSINESS.

Pending the adjournment yesterday, a resolution was before the House, containing certain instructions to the Committee on Indian Affairs, which was taken up and defeated.

Assembly bill to amend an act concerning notaries public, read a second time and referred to the Judiciary Committee.

Assembly bill to relinquish to Colusa county certain taxes due on a Spanish grant from Samuel A. Morrison, for the purpose of building a bridge, read second time and referred to the Committee of Ways and Means.

The joint resolution to establish a permanent watering place in the Humboldt desert, was read a third time and passed.

Senate bill to amend an act concerning the office of Comptroller, read a second time and referred to the Judiciary Committee.

The joint resolution in relation to the removal of the office of Register of public lands from Benicia to the seat of Government. Referred to the Committee on Public Lands.

Assembly bill to provide for the appointment of deputy county treasurers, read a second time and referred to the Judiciary Committee.

Assembly bill concerning the salaries of officers and members of the Legislature. Passed over.

Senate bill concerning county judges, read a second time and referred to the Judiciary Committee.

Assembly bill to amend an act dividing the State into counties, and establishing the seats of justice therein, read a second time and referred to the Committee on Counties and County Boundaries.

Assembly bill to provide for the erection of public buildings in the county of Napa. Passed over.

buildings in the county of Napa. Passed over.

Assembly bill to extend the time for the final settlement of the accounts of the Collector of Butte county, read a third time.

Senate bill to establish a jail in Sacramento county. Passed over.

Senate bill to change the name of Wm. Mayer to Wm. Mayer Elton, read a second time and referred to the El Dorado and San Francisco delegations.

BILLS INTRODUCED.

By Mr. Hagans, to amend the revenue act of the State.

By Mr. McKinney, to repeal an act to fix the compensation of County Judges.

By Mr. Carr, explanatory of an act incorporating the city of Los Angeles.

By Mr. Whitman, to fund the debt of the county of Solano, and provide for the payment thereof. Rules suspended, and bill read a second time.

By Mr. Dannels, to amend an act to provide for the incorporation of railroad companies.

By Mr. Warmcastle, for the relief of certain persons therein named. Rules suspended, bill read a second time and referred to the Committee on Corporations.

Mr. Letcher, from a Select Committee, to whom was referred a bill for the election of a Justice of the Peace for the town of Santa Clara, reported favorable to the passage of the same. Bill read a third time and passed.

Adjourned.

MILEAGE.—The following adverse report on the subject of allowing members mileage for the late removal from Benicia to Sacramento, was made by a majority of that committee a day or two ago and presented by Mr. James, chairman of that committee:

The committee acting in obedience with the instructions of the House, have had under consideration the propriety and justice of the members of the Legislature receiving additional mileage said to have accrued by the late removal from Benicia to Sacramento city, and beg leave to submit the following report.

The undersigned, a majority of your committee, are of the opinion that but one mileage was contemplated by the Legislature, our predecessors fixing the same, or in other words, mileage to but one capital during the same session. If this position be correct that our predecessors constituted and fixed mileage to but one capital, then it follows, as a matter of course, that if we are to receive mileage to a

ter or course, that if we are to receive mileage to a second capital, we must first constitute and fix that mileage; to do the latter, we believe, involves a principle which is unprecedented in the annals of legislation. We deny, or at least, doubt the right of this or any other Legislature to do any act and receive pay for the same, the pay for which was not fixed or provided for by a prior Legislature. We deny the power of any Legislature to claim a reward for any service which might be performed solely for the pay; to illustrate: if the members of this Legislature can justly demand mileage for one removal, they can demand it for twenty removals during the same session; now this latter proposition, that this body can remove *ad libitum*, and for each removal can demand and receive mileage, is an absurdity too gross to need refutation. If it be contended this body have a right to remove at pleasure, and receive mileage for each such removal, then, we think, we may well sing the Corsair's song:

"Ours the wild life in tumult still to range,
From toil to rest, and joy in every change."

That a majority may impose hardships upon a minority is one thing, and the right of the people is quite another; the people have paid one mileage to one capital, and we think should not be required to pay another during the same session.

All of which is respectfully submitted.

JOHN C. JAMES, Chairman;
JOHN H. BOSTICK,
A. J. HOUGHTALING,
SENECA EWER.