

THE
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CODES,

PASSED AT THE

EXTRA SESSION OF THE THIRTY-THIRD
LEGISLATURE,

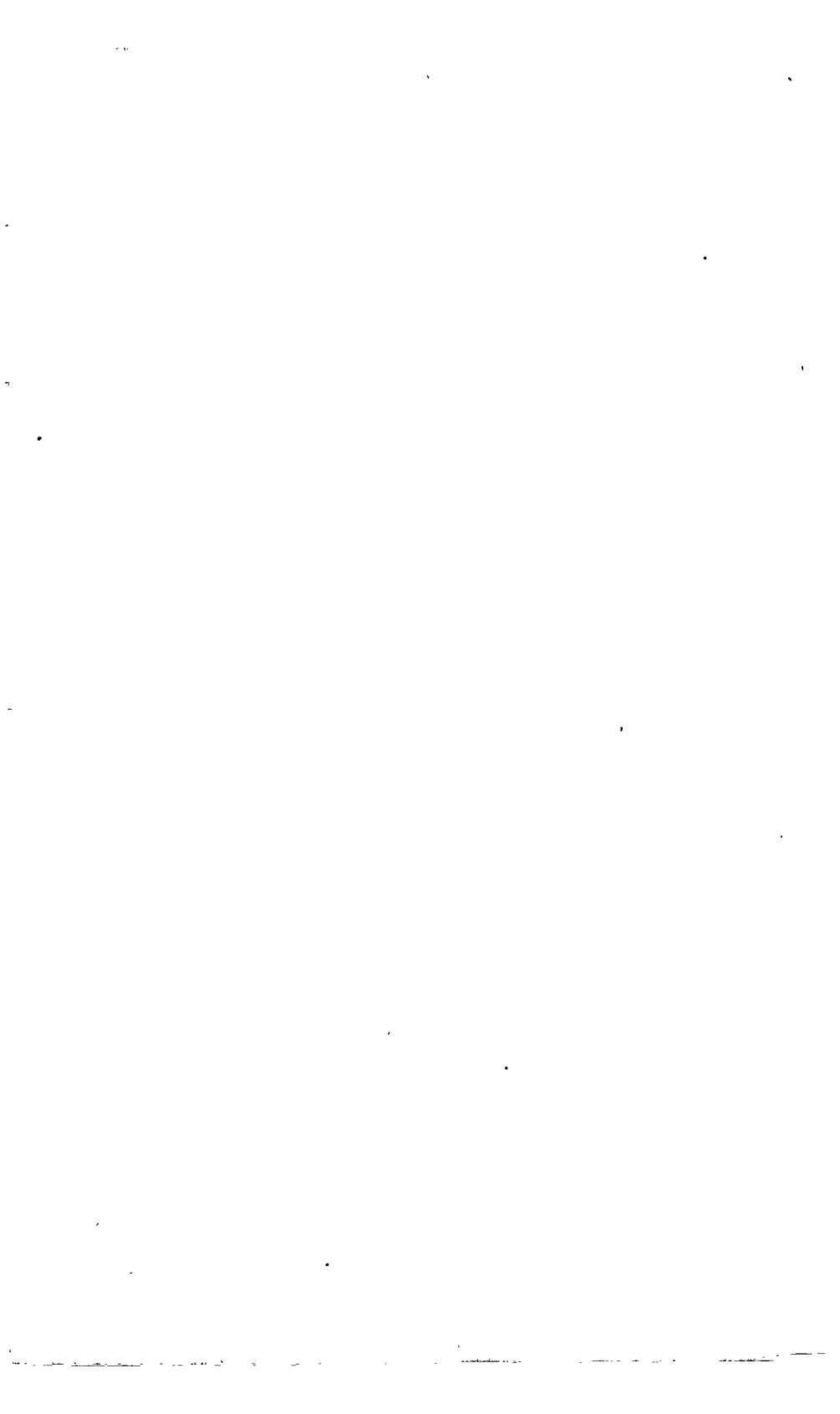
1900.

BEGAN ON MONDAY, JANUARY TWENTY-NINTH, AND ENDED ON
SATURDAY, FEBRUARY TENTH, NINETEEN HUNDRED.



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STATUTES OF CALIFORNIA

PASSED AT THE

EXTRA SESSION OF THE THIRTY-THIRD LEGISLATURE.

CHAPTER I.

An act making an appropriation to pay the per diem and mileage of the lieutenant-governor and senators for the extra session of the thirty-third legislature of the state of California, during the fifty-first fiscal year.

[Approved February 5, 1900.]

The people of the state of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand nine hundred and fifty-eight dollars, to pay the per diem and mileage of the lieutenant-governor and senators for the extra session of the thirty-third legislature of the state of California, during the fifty-first fiscal year.

Appropriation, per diem and mileage. senate.

SEC. 2. This act shall take effect immediately.

CHAPTER II.

An act making an appropriation for the pay of officers and clerks of the senate for the extra session of the thirty-third legislature of the state of California, during the fifty-first fiscal year.

[Approved February 5, 1900.]

The people of the state of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two thousand seven hundred and thirty-seven dollars, for the pay of officers and clerks of the senate for the extra session of the thirty-third legislature of the state of California, during the fifty-first fiscal year.

Appropriation, pay of officers and clerks of senate.

SEC. 2. This act shall take effect immediately.

CHAPTER III.

An act making an appropriation for the contingent expenses of the senate for the extra session of the thirty-third legislature of the state of California, during the fifty-first fiscal year.

[Approved February 6, 1900.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Appropriation,
contingent
expenses
senate.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one thousand five hundred dollars, for the contingent expenses of the senate for the extra session of the thirty-third legislature of the state of California, during the fifty-first fiscal year.

SEC. 2. This act shall take effect immediately.

CHAPTER IV.

An act making an appropriation for contingent expenses of the assembly for the extra session of the thirty-third legislature of the state of California, during the fifty-first fiscal year.

[Approved February 6, 1900.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Appropriation,
contingent
expenses
assembly.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of three thousand dollars, or so much thereof as may be necessary, for contingent expenses of the assembly for the extra session of the thirty-third legislature of the state of California, during the fifty-first fiscal year.

SEC. 2. This act shall take effect immediately.

CHAPTER V.

An act making an appropriation to pay the per diem and mileage of assemblymen for the extra session of the thirty-third legislature of the state of California, during the fifty-first fiscal year.

[Approved February 7, 1900.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Appropriation,
per
diem and
mileage,
assembly.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of thirteen thousand dollars, or so much thereof as may be

necessary, to pay the per diem and mileage of assemblymen for the extra session of the thirty-third legislature of the state of California, during the fifty-first fiscal year.

SEC. 2. This act shall take effect immediately.

CHAPTER VI.

An act to repeal an act entitled "An act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with county recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

[Approved February 8, 1900.]

The people of the state of California, represented in senate and assembly, do enact as follows:

SECTION 1. An act entitled "An act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with county recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March twenty-seventh, eighteen hundred and ninety-seven, is hereby repealed.

Mining claims, location of, etc. (Repealed.)

SEC. 2. This act shall be in force and take effect from and after its passage.

CHAPTER VII.

An act to amend section two thousand five hundred and twenty-four (2524) of the Political Code, relating to the board of state harbor commissioners, their jurisdiction, powers, and duties.

[Approved February 8, 1900.]

The people of the state of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two thousand five hundred and twenty-four (2524) of the Political Code is hereby amended to read as follows:

2524. The commissioners shall have possession and control of that portion of the bay of San Francisco, together with all the improvements, rights, privileges, easements, appurtenances connected therewith, or in anywise appertaining thereto, for the purpose in this article provided (excepting such parcels thereof as are held by the lessees, or their assigns,

Board of state harbor commissioners.

Jurisdiction.

Commissioners to take possession.

Description and boundaries of lands under jurisdiction and control of commissioners.

on valid leases, which parcels so held it is hereby made the duty of the commissioners to take possession of, together with the improvements thereon, as soon as said leases terminate, and also to see that the lessees, or their successors or assigns, do not exercise rights and privileges that are not conferred by said leases), bounded as follows, to wit: Commencing at the point where the easterly line of the Presidio reservation intersects the water-line front, as established by the board of state tide land commissioners; thence easterly along said water-line front to the center of Webster street; thence southerly along the center of Webster street to the center of Lewis street; thence easterly along the center of Lewis street to the center of Polk street; thence southerly along the center of Polk street to the center of Tonquin street; thence easterly along the center of Tonquin street to the center of Larkin street; thence southerly along the center of Larkin street to the center of Jefferson street; thence easterly along the center of Jefferson street to the center of Powell street; thence southerly along the center of Powell street to the center of Beach street; thence easterly along the center of Beach street to the center of Dupont street; thence southerly along the center of Dupont street to the center of North Point street; thence easterly along the center of North Point street to the center of Kearny street; thence southerly along the center of Kearny street to the center of Francisco street; thence easterly along the center of Francisco street to the center of Montgomery street; thence southerly along the center of Montgomery street to the center of Chestnut street; thence easterly along the center of Chestnut street to the center of Sansome street; thence southerly along the center of Sansome street to the center of Lombard street; thence easterly along the center of Lombard street to the center of Battery street; thence southerly along the center of Battery street to the center of Greenwich street; thence easterly along the center of Greenwich street to the center of Front street; thence southerly along the center of Front street to the center of Vallejo street; thence easterly along the center of Vallejo street to the center of Davis street; thence southerly along the center of Davis street to the center of Pacific street; thence easterly along the center of Pacific street to the center of East street; thence southerly along the center of East street to the center of Folsom street; thence westerly along the center of Folsom street to the center of Steuart street; thence southerly along the center of Steuart street to the center of Harrison street; thence southerly on a direct line with said Steuart street two hundred and fifty-three feet nine inches, to the center of a street the name of which is not on a map; thence at right angles westerly along the center of said street to the center of Spear street; thence southerly along the center of Spear street to the center of Bryant street; thence westerly along the center of Bryant street to the center of Beale street; thence southerly along the center of Beale street to the center of Brannan street; thence westerly along the center of Brannan street to the center of First street; thence southerly along

the center of First street to the center of Townsend street; thence westerly along the center of Townsend street five hundred and fifty feet, to the center of a street the name of which is not on a map; thence at right angles southerly along the center of said street to the center of King street; thence westerly along the center of King street to the center of Second street; thence southerly along the center of Second street to the center of Berry street; thence westerly along the center of Berry street to the center of Third street; thence southerly along the center of Third street to the northerly line of Channel street; thence westerly along the last mentioned line to the easterly line of Fifth street; thence southerly along said last mentioned line to the southerly line of said Channel street; thence easterly along said last mentioned line to the center of Kentucky street; thence southerly along the center of Kentucky street to the center of Fourth street; thence along the center of Fourth street to the center of Louisiana street; thence southerly along the center of Louisiana street to the center of El Dorado street; thence westerly along the center of El Dorado street to the center of Illinois street; thence southerly along the center of Illinois street to the center of Solano street; thence easterly along the center of Solano street to the water-front line established by the board of state tide land commissioners; thence southerly along said last mentioned line to the center of Tulare street; thence westerly along the center of Tulare street to the center of Texas street; thence southerly along the center of Texas street to the center of Islais street; thence easterly along the center of Islais street to the center of Waterfront street; thence southerly along the center of Waterfront street to the center of India street; thence westerly, southerly, and easterly along the center of said India street to the center of Waterfront street, to the center of China street; thence westerly along the center of China street to the center of Third avenue; thence southerly along the center of Third avenue to the northerly line of the property of the California Dry Dock Company; thence easterly along said last mentioned line to the waterfront established by the board of state tide land commissioners; thence southerly along and around said dry dock company's land to the southeasterly corner thereof; thence westerly along the line of said land to the center of Waterfront street; thence southerly along the center of Waterfront street to the center of Nineteenth avenue; thence westerly along the center of Nineteenth avenue to the center of Dock street; thence southerly along the line of Dock street to the center of Twenty-third avenue; thence westerly along the center of Twenty-third avenue to the center of H street; thence southerly along the center of H street to the center of Twenty-fourth avenue; thence easterly along the center of Twenty-fourth avenue to the center of Waterfront street; thence southerly along the center of said Waterfront street to the southern boundary of the city and county of San Francisco; thence along the southerly, easterly, and northerly boundary lines of said city and county to a point due north of the place

Descrip-
tion and
boundaries
of lands
under ju-
risdiction
and control
of commis-
sioners.

of commencement, and thence south to the place of commencement. But no harbor embankment or seawall shall be constructed outside of the following named points and lines, to wit: Commencing at the point where the eastern boundary line of the Presidio reservation, extended in a northerly direction, intersects the three-fathom contour line shown upon the chart of the United States survey, and running thence in an easterly and southerly direction, upon straight or curved lines, in such manner as to approach as near as practicable the extreme outer projections of the water-line front, as described in an act to provide for the disposition of certain property of the state of California, passed March twenty-sixth, in the year of our Lord eighteen hundred and fifty-one, to a point at or near the intersection of Second and Berry streets; thence continuing southerly, upon straight or curved lines, in such a manner as to approach as near as practicable the extreme outer projections of the water-line front, as established by the board of state tide land commissioners, to the southerly boundary of said city and county of San Francisco. And said commissioners, in addition to a general control over said premises, shall have authority to use, for loading and landing merchandise, with a right to collect dockage, wharfage, and tolls thereon, such portion of the streets of the city and county of San Francisco, ending or fronting upon the waters of said bay, as may be used for such purposes without obstructing the same as thoroughfares; and authority to rent an office in the city and county of San Francisco, between Montgomery, Market, and Pacific streets and the city front; and purchase from time to time suitable books for the records of the secretary and accounts of the wharfingers, together with such stationery as may be required by the board; and to fix and regulate, from time to time, the rates of dockage, wharfage, cranage, tolls, and rents; and collect such an amount of revenue therefrom as will enable the commissioners to perform the duties required of them by authority of this article; and the commissioners, the governor of California, and the mayor of the city and county of San Francisco may so modify and establish such rates of dockage and wharfage as will produce a revenue not to exceed in amount the moneys collected in the year eighteen hundred and seventy-five, collecting as near as possible equal amounts from dockage and wharfage. When such modification has been made, the collection of tolls must be abolished and the toll collectors discharged. The commissioners shall construct such number of wharves as the wants of commerce shall require, and shall locate such wharves at such points and upon such lines as the board may deem most suitable for the best interests of commerce, and shall repair and maintain all the wharves, piers, quays, landings, and thoroughfares the wants of commerce may require, and generally to erect all such improvements as may be necessary for the safe landing, loading and unloading, and protection of all classes of merchandise, and for the safety and convenience of passengers passing into and out of the city

Boundaries for construction of harbor embankment or seawall.

Further jurisdiction and control of commissioners.

Shall rent office.

Purchase books of record.

Fix rates of dockage.

Modify rates of dockage, etc.

Collection of tolls to be abolished.

Construct wharves.

Repair wharves, etc.

and county of San Francisco by water. And for the purpose of repairing said wharves, piers, quays, and landings, the commissioners are hereby authorized and empowered to purchase or construct pile-drivers, and the necessary machinery to be used therewith, and employ men for operating the same; nor shall any wharf be constructed upon such place or line as will cause any slip or dock to be less than one hundred and thirty-six feet wide at the most narrow point between the wharves. The commissioners are hereby authorized and empowered to purchase or construct works for preserving piles and timber, and the necessary machinery to be used therewith, and operate said works, and for that purpose to employ men and purchase chemicals, or such other materials as may be necessary for the preserving of piles and timber. The purchase of chemicals can be made without advertising for proposals therefor. When they determine that a new wharf shall be erected, or any other necessary improvement constructed or repairs made, or dredging machines, pile-drivers, scows, steam tugs, or any necessary machinery or material obtained, the costs of which shall exceed three thousand dollars, they shall advertise for sealed proposals, for a period not less than ten days, in one or more of the daily newspapers in the city and county of San Francisco. Every proposal shall be accompanied by a certified check for an amount equal to five per cent of the amount of such proposal, such check to be made payable to the order of the secretary of said board; conditioned if the proposal is accepted and the contract awarded, and if the bidder shall fail or neglect to execute the contract and give the bond required within six days after the award is made, in that case the said sum mentioned in said check shall be paid into the state treasury by said secretary, as liquidated damages for such failure and neglect, as a portion of the San Francisco harbor improvement fund. Such advertisement shall contain a general description of the work to be done, the material to be used, the place where to be used, and must refer to specifications, which must contain a full and accurate description of the work to be performed, the material to be used, and where to be used, which specifications shall be kept in the office of the secretary of the board in such manner that all persons may inspect the same during the usual business hours of all days except Sundays and holidays. On a day named in the advertisement, the commissioners shall open the bids in the presence of such bidders as are present, and award the contract to the lowest bidder, who shall furnish sufficient sureties to guarantee the performance of the work. If, in the opinion of the commissioners, the bids are too high, they may reject them and advertise anew in like manner as before. If, in the opinion of the commissioners, the second bids are too high, they may reject them likewise, and enter into contract with responsible parties without giving further notice. Any contract entered into without giving public notice and receiving bids, must be at least ten per cent lower than the lowest rejected bid. The board may construct such harbor embank-

Purchase pile-drivers, etc.

Width of slips or docks.

Preserve piles and timbers.

Advertise for proposals for work to be done.

Contract and bond.

Contents of advertisement.

Opening of bids.

May reject all bids.

Contract without bids.

Construction of seawall. Dredging.	ment or seawall as shall be necessary to protect the harbor of San Francisco, and dredge such number of slips and docks as the commerce of the port of San Francisco may require, to a depth that will admit of the easy and free ingress and egress of all classes of water craft that load and discharge cargoes at the wharves, piers, quays, landings, and thoroughfares in the harbor of San Francisco; to perform which dredging the board of state harbor commissioners are hereby authorized and empowered to purchase or construct dredging machines, scows, steam tugs, and the necessary machinery, and employ men for operating the same. When any portion of the premises described in this article shall be dredged, the sand, mud, or other substance shall be deposited in a place designated by the board, in not less than fifteen fathoms of water.
Purchase dredgers, etc.	
Dockage charges.	All classes of water craft that uses or makes fast to any wharf, pier, quay, landing, or thoroughfare, and lands upon or loads therefrom any goods, wares, or merchandise, shall be liable and must pay to the commissioners such rates of dockage as shall be fixed by authority of this article; and all such water craft as shall discharge or receive any goods, wares, or merchandise, while moored in any slip, dock, or basin within the jurisdiction of the commissioners, shall pay one-half the regular rates of dockage. Any water craft that shall leave any wharf, pier, quay, landing, thoroughfare, slip, dock, or basin, unless forced to do so by stress of weather, without first paying the dockage due from such vessel, shall be liable to pay double the regular rates. The charge for wharfage and tolls shall be a lien upon all goods, wares, and merchandise landed upon any of the wharves, piers, quays, landings, or thoroughfares upon the premises described in this article; and the commissioners, their agents or lessees, may hold possession of any such goods, wares, or merchandise so landed as aforesaid, to secure the payment of such wharfage and tolls; and for the purpose of such lien are deemed to have possession of such goods, wares, and merchandise so landed until such charge for wharfage and tolls are paid. The commissioners shall have power to make reasonable rules and regulations concerning the control and management of the property of the state which is intrusted to them by virtue of this article, and said commissioners are hereby authorized and required to make, without delay, and from time to time, and publish not less than thirty days in a daily newspaper of general circulation published in the city and county of San Francisco, all needful rules and regulations not inconsistent with the laws of the State or of the United States in relation to the mooring and anchoring of vessels in said harbor, providing and maintaining free, open, and unobstructed passageways for steam ferryboats and other steamers navigating the waters of the bay of San Francisco and the fresh-water tributaries of said bay, so that such steamers can conveniently make their trips without impediment from vessels at anchor or other obstacles. And said commissioners may also make all needful rules and regulations governing the removal of such vessels from the wharves and
Penalty for leaving without paying dockage.	
Lien for wharfage.	
Rules and regulations.	
About anchoring.	
Removal of vessels.	

other landings, and from slips and docks, as are not engaged in receiving or discharging cargo, prescribing the time during which goods, wares, and merchandise landed upon any wharf, pier, quay, landing, or thoroughfare shall be permitted to remain thereon, and may divide the same into several classes, and may, by such rules and regulations, provide that in case any such goods, wares, or merchandise remain upon any wharf, pier, quay, landing, or thoroughfare beyond the term so prescribed, the respective wharfinger may, under the order of the commissioners, remove and deposit the same in a suitable place, at the charge, risk, and expense of the owner thereof. When any goods, wares, or merchandise shall have remained upon any wharf, pier, quay, landing, or thoroughfare more than twenty-four hours, the commissioners may, in their discretion, charge such additional rates for each subsequent day as in their opinion is just and equitable. The commissioners may, in their discretion, set apart and assign, for the exclusive use of the water craft used by the officers of the federal government, such convenient and safe landings as such officers may require, together with suitable premises near such landings as may be set apart and assigned for their use, upon which premises such officers may cause to be erected offices and storehouses to suit their convenience; and the commissioners shall charge a reasonable compensation per month for the use of such landings and office and storehouse premises; set apart and assign a suitable and proper locality for the use of the harbor police of the city and county of San Francisco, and also a suitable place for a boat house station, for the exclusive use of the quarantine and health officers of said city and county, without compensation; set apart and assign, for the exclusive use of steam ferryboats, suitable slips in which such structures may be erected as will secure the safe and convenient landing of passengers and safe landing and delivery of freight; set apart and assign suitable wharves, berths, or landings for the exclusive use of vessels; to construct suitable sheds, gates, and other temporary structures as may be necessary for the safe and convenient landing of passengers and safe landing and delivery of freight; and set apart and assign, for the sole and exclusive use of the fishermen of the city and county of San Francisco, such place or places as the said commissioners shall deem proper, sufficient, and adapted for the requirements and necessities of said fishermen; *provided*, the premises set apart by said commissioners shall be used only for the legitimate business of said fishermen, and for no other purpose; *and provided*, said commissioners shall not charge therefor more than the following rates: For boats over twenty-two feet and under forty feet long, one dollar per week; for boats from sixteen to twenty-two feet long, seventy-five cents per week; and for all boats less than sixteen feet long, twenty-five cents per week. The commissioners may assign suitable places for the landing of horses, cattle, sheep, and swine; and when such places have been assigned, it shall be a misdemeanor for a commander of any water craft to land any greater number

Governing goods, etc., on wharves.

Additional rates.

Special landings, etc., for federal water craft.

Compensation.

Harbor police.

Quarantine officers. Ferry slips, etc.

Passengers and freight.

Fishing boats.

Rates for fishermen.

Landing of animals.

than ten at any one time from any water craft at any other place. The commissioners may set apart, for the uses and purposes of dry docks and marine railways, such portions of the waterfront northwesterly of the northerly end of Kearny street and southerly of the easterly end of Solano street, as the wants of commerce may require. The commissioners shall not have the right to renew any lease, or to lease any premises under their control for any purpose whatever, except as otherwise specially provided, but they may permit any property under their control to be used by any corporation, firm, association, person, or company, but in no case shall any corporation, firm, association, person, or company enjoy the use of any of the property under the commissioners' charge, except such use as shall be terminated as herein provided; and the said commissioners may condemn, purchase, and pay a reasonable compensation for such structure as may have been erected upon the said premises, which structure, in the opinion of the board and engineer, may be useful for such commercial purposes as this article is intended to promote. No person or company shall land or remove any goods, wares, or merchandise, or other things, upon or from any wharf, pier, quay, landing, or thoroughfare situated upon the premises described in this article; nor shall any corporation, firm, association, company, or person collect dockage, wharfage, crantage, or toll within the boundaries of the premises described in this article, without first obtaining permission to do so from said commissioners. Any use permitted of the property by the commissioners may be terminated at any time by them, on thirty days' previous notice to the party or parties so using the same.

Dry docks, etc. Said board shall not lease to, or permit any corporation or association, or any person or persons, to lay down any track or tracks for railways along any of the property described herein, or on any portion of the waterfront of San Francisco, under any condition whatever. Said board may, when the wants of commerce require, lay down such number of tracks along and on any portion of said waterfront as may be necessary to meet such wants, and permit the use thereof to any corporation or association, or any person or persons, under such rules, regulations, and at such compensation as said board may determine; *provided*, that no special privileges shall be awarded thereon to any corporation, association, person, or persons; *and provided further*, that switches from said railroad track or tracks may, with the permission of said board, and under the limitations and conditions of this act, be constructed by corporations, or any person or persons, leading to any warehouse or place of business. Nor shall any person or company place, or cause to be placed, any obstruction in that portion of the bay of San Francisco described in this article, nor upon any wharf, pier, quay, landing, or thoroughfare, without the consent of the board. Whenever any wharf, pier, quay, landing, or thoroughfare in the harbor of San Francisco shall be incumbered, or their free use interfered with by goods, wares, merchandise, or other substances, whether loose or built upon, or fixed to any such

Power to lease.

Condemnation of structures, etc.

No one to perform acts of board, etc.

Termination of use.

No corporation or person to lay tracks.

Board may lay tracks.

May permit use thereof.

No special privileges.

Switches to be constructed.

No person to obstruct.

wharf, pier, quay, landing, or thoroughfare, it shall be the duty of the commissioners to notify, in writing (which service may be served by a wharfinger, or the secretary or assistant secretary of the board), the owner, agent, or occupant, or person placing or keeping such obstructions thereon, to remove the same within twenty-four hours after the serving of such notice; and in case of failure to comply with such notice, and remove such obstructions, the owner, agent, occupant, or person notified shall be liable to pay the commissioners the sum of twenty-five dollars for each and every day during which such obstruction shall remain upon any such wharf, pier, quay, landing, or thoroughfare; and the commissioners shall have power, in their discretion, to remove any such incumbering substance, and store the same in any suitable, convenient, and safe place, and a sum equal to the amount of the expenses of the removal, together with all other necessary charges, shall be paid by the owner of such incumbering substance to the commissioners, and such sum and necessary charges shall be a lien on such substance until paid. The rate of dockage, wharfage, and tolls shall not exceed those established by the board of state harbor commissioners, July first, eighteen hundred and seventy-four, and dockage shall not be collected on any vessel lying at anchor outside of dock, wharf, or slip. Nothing in this section shall be construed as authorizing the board of harbor commissioners to construct any railroad along and upon any open canal extending inland from said waterfront. But said harbor commissioners may, when a waterfront railroad shall be constructed by them, construct the same across the outlet of such open canal.

Proceedings when obstructions are placed.

Penalty for non-removal.

Commissioners may remove.

Rates of dockage, etc.

Vessels at anchor.

No railroad upon or along any open canal.

SEC. 2. This act shall take effect immediately.

CHAPTER VIII.

An act authorizing the state treasurer to transfer to the San Francisco harbor improvement fund moneys now in San Francisco depot sinking fund.

[Approved February 8, 1900.]

The people of the state of California, represented in senate and assembly, do enact as follows:

SECTION 1. The state treasurer is hereby directed to transfer to the San Francisco harbor improvement fund from the San Francisco depot sinking fund the sum of thirty-six thousand dollars (\$36,000).

Transfer of money from depot sinking fund to harbor fund.

SEC. 2. The state treasurer, immediately after making the transfer provided for in this act, shall notify the state controller of the same; and the state controller shall thereupon make a corresponding transfer upon the books of his office.

SEC. 3. This act shall take effect immediately.

CHAPTER IX.

An act making an appropriation to pay the printing expenses of the extra session of the thirty-third legislature.

[Approved February 9, 1900.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Appropriation for printing expenses.

SECTION 1. The sum of four thousand five hundred dollars is hereby appropriated, or so much thereof as may be necessary, out of any money in the state treasury not otherwise appropriated, to pay the printing expenses of the extra session of the thirty-third legislature.

SEC. 2. The controller is hereby authorized to draw his warrant for the amount herein made payable, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER X.

An act making an appropriation for pay of officers and clerks of the assembly for the extra session of the thirty-third legislature of the state of California, during the fifty-first fiscal year.

[Approved February 9, 1900.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Appropriation, officers and clerks of assembly.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of four thousand dollars, or so much thereof as may be necessary, for pay of officers and clerks of the assembly for the extra session of the thirty-third legislature of the state of California, during the fifty-first fiscal year.

SEC. 2. This act shall take effect immediately.

CHAPTER XI.

An act to amend section two thousand five hundred and twenty-seven (2527) of the Political Code, relating to the powers of the board of state harbor commissioners.

[Approved February 9, 1900.]

The people of the state of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section two thousand five hundred and twenty-seven (2527) of the Political Code is hereby amended to read as follows: Board of state harbor commissioners.

2527. No contract or obligation entered into by the harbor commissioners, which creates a liability or authorizes the payment of money, shall be valid or of binding force unless signed by all three of the commissioners, and countersigned by the secretary of the board; nor shall any contract, involving the payment of money, be made by the said commissioners unless the amount then to the credit of the harbor improvement fund, together with the revenue estimated to accrue up to the time of the maturity of such contract, over and above the current expenses of the commission, be sufficient to meet the payments to become due thereon; *provided*, such estimate of revenue shall be limited, as to time, to five (5) years. Where the work to be done is the construction of a new wharf, bulkhead, or breakwater and its appurtenances, the board may lease said wharf, bulkhead, or breakwater and its appurtenances for a period not to exceed five years, and for an amount not to exceed the cost of constructing said work, the rents therefrom to be applied, in whole or in part, in payment for the cost of such construction, and said board may provide in the contracts for the same that the rents therefrom shall be so applied, or the work be paid for, in whole or in part, from such rents and revenues. Valid contracts.
May lease new wharves, etc.

SEC. 2. All leases hereunder shall be made upon competitive bids after such public advertisement as the commissioners shall deem sufficient, inviting proposals or bids therefor, and shall be awarded to the person who will pay the amount required to construct such improvement, and execute and take a lease thereof for the shortest period of such time. Advertise for bids.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER XII.

An act creating a commissioner of public works, defining his duties and powers, and fixing his compensation.

[Approved February 9, 1900.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Commis-
sioner of
public
works.

Vacancy.

Bond.

Compen-
sation.

Powers
and duties

SECTION 1. There is hereby created a commissioner of public works, to be appointed by the governor. He shall hold office for the term of four years, or until his successor shall be appointed and qualified. In case of vacancy occasioned by death, resignation, or otherwise, the governor shall appoint his successor; *provided*, that any appointment made to fill a vacancy shall be only for the unexpired portion of the term for which the original appointment was made. Said officer, before entering upon the discharge of his duty, shall take and subscribe the official oath, and execute an official bond in the sum of six thousand dollars, to be approved by the governor, and filed and recorded in the office of the secretary of state as in the case of bonds of other state officials. Such commissioner shall receive a salary of three thousand (3,000) dollars per annum, payable in monthly installments, and shall be allowed his actual traveling and other necessary incidental expenses incurred while in the performance of official duties.

SEC. 2. The commissioner shall perform such duties in the examination of lands subject to inundation and overflow by floodwaters, and of the waters causing and making such inundation and overflow, and in the preparation of plans and estimates of cost for works to regulate and control such floodwaters, as he may be directed to perform from time to time by the governor; and such other duties in the examination, supervision, and management of public works, constructed or carried on by the state, or under state authority, or under any law of the state, as he may be directed to from time to time by law. He shall, subject to the approval of the auditing board, have the power to employ such engineers and assistants as he may deem necessary to carry out the provisions of this act, or to perform any duties imposed by any law upon said commissioner, and to fix their compensation subject to the approval of the board.

Acts re-
pealed.

SEC. 3. An act entitled "An act creating a commissioner of public works, defining his powers and duties, prescribing his compensation, and making appropriation," approved March twenty-fourth, eighteen hundred and ninety-three; an act to amend an act entitled 'An act creating a commissioner of public works, defining his duties and powers, prescribing his compensation, and making appropriation,' approved March twenty-fourth, eighteen hundred and ninety-three, relating to the office of commissioner of public works," approved February

twenty-fifth, eighteen hundred and ninety-seven, and all other acts and parts of acts in conflict with the provisions of this act, are hereby expressly repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER XIII.

An act to amend section two of an act entitled "An act providing for the appointment of an auditing board to the commissioner of public works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this act," approved March 17, 1897.

[Approved February 9, 1900.]

The people of the state of California, represented in senate and assembly, do enact as follows:

SECTION 1 Section two of an act entitled "An act providing for the appointment of an auditing board to the commissioner of public works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this act," approved March seventeenth, eighteen hundred and ninety-seven, is hereby amended to read as follows:

Auditing board to commissioner of public works.

Section 2. For the purposes of this act, the report of the commissioner of public works, dated November sixteenth, eighteen hundred and ninety-six, and accompanying reports and plans of engineers, shall be adopted and made the basis of operations, and the plans therein specified for promoting drainage and improving and rectifying river channels shall, as far as practicable, be carried out and finished as herein provided. In addition to the work outlined and described in said report, the said commissioner of public works and board of auditors are hereby authorized and empowered to perform other further and additional work upon the Sacramento River, the San Joaquin, Feather, and Tuolumne rivers, and Petaluma, Alviso, and Napa creeks, and upon all tide waters entering and flowing into the bays of San Pablo, Suisun, and San Francisco, and also upon the navigable creeks, rivers, and sloughs of the state of California, of a character and nature similar to that outlined and described in said report, for the

Powers and duties.

purpose of promoting drainage, rectifying channels, and improving navigation.

SEC. 2. This act shall take effect immediately.

CHAPTER XIV.

An act to repeal an act entitled "An act to regulate the width of tires of wagons to be used on the public highways of the state of California," approved March 20, 1897.

[Approved February 9, 1900.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Width of
tires. (Act
repealed.)

SECTION 1. An act entitled "An act to regulate the width of tires of wagons to be used on the public highways of the state of California," approved March twentieth, eighteen hundred and ninety-seven, is hereby repealed.

SEC. 2. This act shall take effect immediately from and after its passage.

CHAPTER XV.

An act to repeal section nineteen of article three of an act entitled "An act to establish a state lunacy commission, to provide a uniform government and management of the state hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

[Approved February 9, 1900.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Lunacy
commis-
sion, sec-
tion 19,
article III,
repealed.

SECTION 1. Section nineteen of article three of an act entitled "An act to establish a state lunacy commission, to provide a uniform government and management of the state hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March thirty-first, eighteen hundred and ninety-seven, is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

CHAPTER I.

Senate Joint Resolution No. 5, relative to a so-called reciprocity treaty between this country and the British West India islands, known as the Jamaica treaty.

[Adopted February 7, 1900.]

WHEREAS, There is now pending in the senate of the United States, for ratification, a so-called reciprocity treaty between this country and the British West India islands, known as the Jamaica treaty; and

WHEREAS, The proposed reduction of duties upon the importations from these islands that come into competition with the products of the United States, apply only to sugar cane products, citrus fruits, and fresh vegetables, which are only produced in competing quantities by the states of Florida, Louisiana, and California; and

WHEREAS, The articles of export enumerated in said proposed treaty upon which a reduction of duty is obtained are neither produced or exported from either of the said states of Florida, Louisiana, or California, thereby entailing great loss to them without any corresponding benefits; and

WHEREAS, The citrus product of this state, amounting to over five millions of boxes, which will be doubled within the next decade, is handicapped by a freight rate to the principal centers of population and trade of ninety cents per box, which exceeds by fifteen cents per box the combined freight rate and the proposed import duty from the British West Indies; and

WHEREAS, The citrus products of these islands come directly into competition with the holiday trade, which is known to be the best of the entire year; and

WHEREAS, The entire imports of the island of Jamaica have never exceeded eight millions of dollars per annum, a large proportion of which is imported from England, owing to a preferential tariff rate; and

WHEREAS, At the request of this body and the petition of the citrus fruit-growers of this state, the fifty-fifth congress fixed a tariff duty upon that product, placing it on an equality with the foreign production, in respect to the freight rate only; and

WHEREAS, The American producer is entitled to, and ought, by right, to enjoy the benefit of his home market, when fully able to supply the demand; therefore,

Jamaica
treaty, op-
position to.

Resolved by the senate of the state of California, the assembly jointly, That it deprecates the attempt to disturb the present existing conditions of the tariff upon sugar, citrus fruits, and fresh vegetables; that it is an unequal and unjust hardship to sacrifice the interests of a few for the benefit of a very large majority; that the supposed benefits accruing to this country in its added proportion of the eight millions of dollars of trade with Jamaica, will not compensate it for the loss inflicted upon one item alone of California production; that the California producer is entitled to a protective duty as against foreign competition, at least equal to the difference in their several freight rates, and that the American producer should be maintained in his demand for the markets of his own country; and be it further

Resolved, That our senators be instructed to vote against the ratification of said treaty, and that our representatives in congress be requested to use their influence and best efforts to accomplish its defeat.

Resolved, That a copy of these resolutions be telegraphed to the honorable George C. Perkins by the secretary of senate, and that a copy be transmitted by mail to each of our representatives in Washington.

CHAPTER II.

Senate Joint Resolution No. 3, relating to construction of Pacific cable, and requesting that congress require the same to be of American make.

[Adopted February 8, 1900.]

WHEREAS, There are now pending in congress measures for the laying of a submarine cable from some point in the state of California across the Pacific ocean; and

WHEREAS, The construction of the same will be of great benefit to the United States and to this state; and

WHEREAS, If the cable is made by an American company in the United States it will favorably advertise our manufactures abroad and give employment to a great number of our citizens; now, therefore, be it

Pacific
cable.

Resolved by the senate and the assembly, jointly, That our senators in congress be instructed, and our representatives therein be requested and urged, to vote for and use all honorable means to secure the passage of a bill requiring the laying of such cable, and also requiring that the cable be made by an American company in the United States; and be it further

Resolved, That a copy of this resolution be forwarded by telegraph to Hon. George C. Perkins, and that he be requested to deliver a copy of the same to each member of the California delegation in congress.

CHAPTER III.

Senate Concurrent Resolution No. 4, relative to the consent of the legislature to absence from the state of G. W. Root, clerk of the supreme court of the state of California, for a period not to exceed six months.

[Adopted February 9, 1900.]

Resolved by the senate, the assembly concurring, That the legislature of the state of California has consented, and does hereby consent, that G. W. Root, clerk of the supreme court of the state of California, may depart from the state of California at any time during the remainder of his official term as clerk of the supreme court of the state of California, and remain absent for a period not to exceed six months from and immediately succeeding the time of his departure.

Leave of
absence to
George W.
Root.

CHAPTER IV.

Senate Concurrent Resolution No. 3, relative to a vote of thanks to Mrs. Almira S. Townsend.

[Adopted February 9, 1900.]

WHEREAS, Almira S. Townsend, a resident of San Francisco, state of California, has shown great liberality in the reception and entertainment of the First Regiment of California Volunteers, and the United States volunteers from other states, upon their return from the Philippine islands in eighteen hundred and ninety-nine, and also for the care and attention to the sick and wounded volunteer soldiers; therefore, be it

Resolved by the senate, the assembly concurring, That a vote of thanks be and is hereby tendered to Mrs. Almira S. Townsend for the attention shown and the kindness displayed to our soldiers on their return from the Philippine islands, and the governor of California be requested to forward a copy of this resolution to Mrs. Almira S. Townsend.

Vote of
thanks to
Almira S.
Townsend.

CHAPTER V.

Senate Concurrent Resolution No. 5, relative to adjournment sine die.

[Adopted February 9, 1900.]

Sine die
adjourn-
ment.

Resolved by the senate, the assembly concurring, That the two houses adjourn *sine die* at twelve noon on Saturday, February tenth, nineteen hundred.

CHAPTER VI.

Senate Constitutional Amendment No. 3, a resolution to propose to the people of the state of California an amendment to section eight, article eleven, of the constitution of the state of California, relating to charters.

[Adopted February 9, 1900.]

The legislature of the state of California, at its extraordinary session, commencing on the twenty-ninth day of January, nineteen hundred, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the state of California, the following amendment to section eight, article eleven of the constitution.

Section eight of article eleven of the constitution is hereby amended so as to read as follows:

Charters of
cities of
more than
3,500 in-
habitants.

Section 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the constitution and laws of this state, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the mayor thereof, or other chief executive officer of such city, and the other to the recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants, such proposed charter shall be published in one such daily newspaper; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon

shall ratify the same, it shall thereafter be submitted to the legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the legislature, be made in duplicate, and deposited, one in the office of the secretary of state, and the other, after being recorded in said recorder's office, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the legislature as herein provided for the approval of the charter. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Charters.

Amendments thereto.

CHAPTER VII.

Senate Joint Resolution No. 2, relative to the election of United States senators by direct vote of the people.

[Adopted February 10, 1900.]

WHEREAS, Section three of article one of the constitution of the United States provides that "the senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years"; and

WHEREAS, The present system for the election of United States senators is subject to severe public criticism and divided public opinion arising from various causes; therefore, be it

Resolved by the senate of the state of California, and the assembly, jointly, That our senators in congress be instructed, and our representatives be requested, to vote for the submission of an amendment to the constitution of the United States providing for the election of senators by the direct vote of the electors of the respective states.

Election of United States senators by direct vote.

Resolved, That a copy of these resolutions be transmitted to our senators and representatives in congress.

CHAPTER VIII.

Senate Concurrent Resolution No. 6, relative to the consent of the legislature to absence from the state of Truman Reeves, state treasurer of the state of California, for a period not to exceed six months.

[Adopted February 10, 1900.]

Leave of
absence to
Truman
Reeves.

Resolved by the senate, the assembly concurring, That the legislature of the state of California has consented, and does hereby consent, that Truman Reeves, state treasurer, may depart from the state of California at any time during the remainder of his official term as treasurer of the state of California, and remain absent for a period not to exceed six months from and immediately succeeding the time of his departure.

CHAPTER IX.

Senate Joint Resolution No. 6, relative to the survey of public lands in California.

[Adopted February 10, 1900.]

WHEREAS, From the report of the commissioner of the general land office it appears that during the year ended June thirtieth, eighteen hundred and ninety-nine, there were added to the surveyed area of public lands in this state no more than eight thousand three hundred and eighty-seven acres, while the amount so added to such areas in other states was vastly more, and nearly two million acres in one state; and
 WHEREAS, It is important for the welfare and development of California that the public surveys here should be pushed as rapidly toward completion as they are in other states, in order that our settlers on new lands can obtain their titles with the same facility as elsewhere; and
 WHEREAS, It is unjust that settlers in California should be less favored than in other states.

Survey of
public
lands.

Resolved by the senate of the state of California, and the assembly jointly, That our senators in congress be instructed, and our representatives be requested, to urge the completion of the public surveys in this state and prompt filing of plats in the local land offices, to the end that the public lands be made available for settlement and improvement.

CHAPTER X.

Senate Constitutional Amendment No. 1—Proposition to amend article six of the constitution, relating to the judicial department.

[Adopted February 10, 1900.]

The legislature of California, at its special session convened January twenty-ninth, nineteen hundred, two thirds of all the members elected to each house voting therefor, proposes, to the qualified electors of the state, the following amendment to the constitution. That Article VI be amended to read:

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the state shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district courts of appeal, superior courts, justices of the peace, and such inferior courts as the legislature may establish in any incorporated city or town, or city and county. Judicial department.

SECTION 2. The supreme court shall consist of a chief justice and four associate justices; *provided*, that the chief justice and the associate justices in office at the time of the adoption of this amendment shall continue in office and constitute the court until the expiration of their respective terms of office; *and provided further*, that at the expiration of the term of office of the two justices having at the time of the adoption of this amendment the shortest terms to serve, their offices shall be abolished. The presence of a majority of the justices shall be necessary for the transaction of business (except such as may be done at chambers), and the concurrence of a majority of the justices shall be necessary to pronounce a judgment. Supreme court.

The supreme court shall hold all of its sessions at San Francisco. There shall be three regular sessions each year, beginning on the second Monday in January, May, and September. Special sessions may be held at any time on the order of the chief justice or of three associate justices. Sessions.

The chief justice and the justices of the supreme court shall be elected by the qualified electors of the state at large at the general state elections at the times and places at which state officers are elected, and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election. Terms of office of justices of supreme court.

If a vacancy occur in the office of a justice the governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general election at which state officers are elected, and the justice so elected shall hold the office for the remainder of the unexpired term. Vacancies.

Jurisdiction of supreme court.

The supreme court shall have appellate jurisdiction direct from the superior courts in every action, proceeding or special proceeding where is necessarily drawn in question the validity of a statute, or of an authority exercised under the United States; or where is necessarily drawn in question the validity of the constitution or any statute of or authority exercised under this state on the ground of being repugnant to the constitution or laws of the United States; or where is necessarily drawn in question the validity of any statute of or authority exercised under this state on the ground of being repugnant to the constitution of this state; or where is necessarily drawn in question the legality of any tax, impost or assessment; in all proceedings in exercise of the right of eminent domain; in actions or proceedings for usurpation or intrusion into, or unlawful holding of, a public franchise; also in all criminal actions (on questions of law alone) in which the judgment shall be death or imprisonment for life; and also in all cases in which the fact of the adoption by a city, or a city and county, of a charter for its own government, or the validity of the same, or any part thereof, or of any authority exercised thereunder, is necessarily drawn in question. It shall also have appellate jurisdiction in every action, proceeding or special proceeding determined by any district court of appeal the record in which may, by order pursuant to the further provisions on these subjects hereinafter contained in this article, be directed to be transmitted to it. It shall also have jurisdiction in every action, proceeding and special proceeding which shall actually have been submitted to it for decision before the organization of the district courts of appeal established by this article, and of every pending cause which shall not be transferable to the district courts of appeal as hereinafter provided. And in all cases in which the supreme court shall acquire jurisdiction it shall have further jurisdiction to decide all questions properly presented on the record, whether or no they be such as of themselves would entitle the court to take jurisdiction of the cause.

District courts of appeal.

Sessions.

SECTION 3. The state is hereby divided into three appellate districts, in each of which there shall be a district court of appeal, consisting of three justices. There shall in each year be four regular sessions of each district court of appeal, commencing on the second Monday in February, May, August and November. Special sessions may be held at any time upon the order of the court.

First district.

The first appellate district shall embrace the following counties: San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito. The official designation of the district court of appeal in this district shall be "The Court of Appeal of the State of California in and for the First District," and it shall hold its sessions at the city and county of San Francisco.

Second district.

The second appellate district shall embrace the following named counties in the state: Fresno, Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside and San Diego. The official

designation of the district court of appeal for this district shall be "The Court of Appeal of the State of California in and for the Second District," and the court shall hold its sessions at the city of Los Angeles.

The third appellate district shall embrace the following named counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Tuolumne, Alpine, Mono, Mariposa, Madera, and Merced. The official designation of the district court of appeal of this district shall be "The Court of Appeal of the State of California in and for the Third District," and the court shall hold its sessions at the city of Sacramento.

The legislature may remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

The justices of the district courts of appeal shall be elected by the qualified electors within their respective districts at the general state elections at the times and places at which state officers are elected, and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding the election; *provided*, that on or before the first day of January after this amendment takes effect the governor shall appoint three justices for each district court of appeal, to hold office until qualification of justices to be elected at the next succeeding general election. The justices of each district court of appeal so elected at the first election shall, at their first meeting, so classify themselves by lot that one of them shall go out of office at the end of four years, one at the end of eight years and the third at the end of twelve years. An entry of such classification shall be made in the minutes of the court signed by them, and a duplicate thereof shall be filed in the office of the secretary of state.

If a vacancy occur in the office of a justice of the district court of appeal the governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy. Such election shall take place at the next succeeding general election at which state officers are elected, and the justice so elected shall hold the office for the remainder of the unexpired term.

The justices of each of the district courts of appeal shall elect one of their number as a presiding justice. The presence of three justices shall be necessary for the transaction of any business by such court, and the concurrence of two justices shall be necessary to pronounce a judgment.

Whenever any justice of the supreme court is for any reason disqualified or unable to act in a cause pending before it, the remaining justices may select one of the justices of a district court of appeal to act pro tempore in the place of the justice so disqualified or unable to act. Whenever any justice.

of a district court of appeal is for any reason disqualified or unable to act in any cause pending before it the chief justice may appoint a judge of a superior court, who has not acted in the cause in the court below, to act pro tempore in the place of the justice so disqualified or unable to act. A justice of one district court of appeal may at any time sit as a justice pro tempore in any other district court of appeal upon the written request of any justice of said court; every justice pro tempore of the supreme court or of the district court of appeal, while acting as such, shall have the same power and authority as the justice of such court.

Jurisdiction of district courts of appeal.

The several district courts of appeal shall have appellate jurisdiction in every civil action, proceeding and special proceeding commenced and determined and (on questions of law alone) in every criminal action prosecuted by indictment or information in the superior courts within their several appellate districts, excepting only those actions, proceedings or special proceedings in which an appeal direct to the supreme court from the superior courts is expressly allowed by this article. The statutes now in force allowing, providing for and regulating appeals to the supreme court shall apply to appeals to the district courts of appeal so far as consistent with this article until the legislature shall make provisions for appeals to said courts.

Judgments final.

The judgments and decrees of the district courts of appeal shall be final in all causes embraced within their appellate jurisdiction, except in the following cases:

Exceptions.

In any cause decided by a district court of appeal, if the decision of such court of appeal conflicts with a previous decision of the supreme court, or of another district court of appeal, the supreme court shall, upon petition to be filed within thirty days after entry of judgment in the district court of appeal, order the cause to be heard by the supreme court, and thereupon the record shall be transmitted to the supreme court, which shall hear and determine the cause.

Powers of supreme court.

The supreme court, or any justice thereof, shall have power to issue writs of habeas corpus, and the supreme court shall have power to issue writs of mandamus, certiorari, and prohibition to the district courts of appeal, and shall likewise have power to issue all writs, orders, and process necessary or proper to the complete and effectual exercise of its appellate jurisdiction. It shall also have power to issue writs of mandamus, certiorari, and prohibition in any matter affecting a state, congressional, or presidential election. The district courts of appeal shall have power to issue within their respective districts writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, and shall likewise have power within such districts to issue all writs and orders necessary or proper to the complete and effectual exercise of their appellate jurisdiction. Each justice of the district courts of appeal shall have power to issue writs of habeas corpus to any part of the appellate district in which he sits, and any such writ may be made returnable before

Powers of district courts.

the justice who issued it, or the court from which it was issued, or any justice thereof, or before any lower court of record, or before any judge thereof.

Unless oral argument be waived by the parties with the consent of the court, every cause and matter in the supreme court and in any district court of appeal (except such applications as may be made *ex parte*) shall be orally argued by the parties or their counsel in open court; but this shall not prevent the courts from requiring that the points to be argued and considered, together with a list of authorities to sustain such points, shall be printed and filed before a cause is taken up for argument. Not more than twenty cases (except *ex parte* applications) shall be under submission for decision at any one time in the supreme court or in any district court of appeal. All decisions of the supreme court and of the district courts of appeal shall be given in writing and the grounds of the decision shall be stated. A remittitur or mandate must issue on every judgment of said courts on or before the expiration of thirty days after the rendition thereof.

SECTION 4. The supreme court shall, upon the organization of the district courts of appeal, transfer to them respectively any causes then pending in the supreme court and which have not been heard as are within the class of causes over which such district courts have appellate jurisdiction; and upon such transfer the district courts of appeal shall have full jurisdiction to hear and determine the same.

SECTION 5. The superior courts shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy, amounts to three hundred dollars, and in all criminal cases amounting to felony and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of action to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage, and of all such special cases and proceedings as are not otherwise provided for. And said courts shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the state; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof affected by such action or actions, is situated. Said courts and their judges shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any

person in actual custody in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.

Superior
courts.

SECTION 6. There shall be in each of the organized counties, or cities and counties, of the state, a superior court, for each of which at least one judge shall be elected by the qualified electors of the county, or city and county, at the general state election; *provided*, that in the city and county of San Francisco there shall be elected twelve judges of the superior court, any one or more of whom may hold court. There may be as many sessions of said court, at the same time, as there are judges thereof. The said judges shall choose, from their own number, a presiding judge, who may be removed at their pleasure. He shall distribute the business of the court among the judges thereof, and prescribe the order of business. The judgments, orders, and proceedings of any session of the superior court held by any one or more of the judges of said courts, respectively, shall be equally effectual as if all the judges of said respective courts presided at such session. In the county of Los Angeles there shall be elected six such judges; in the county of Alameda, four such judges; in each of the counties of Sacramento and Santa Clara, three such judges; and in each of the counties of San Joaquin, Sonoma, San Bernardino, Fresno, Humboldt, and San Diego, two such judges. The term of office of judges of the superior courts shall be six years from and after the first Monday of January next succeeding their election. If a vacancy occur in the office of judge of a superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

Vacancies.

Sessions.

SECTION 7. In any county, or city and county, other than the city and county of San Francisco, in which there shall be more than one judge of the superior court, the judges of such court may hold as many sessions of said court at the same time as there are judges thereof, and shall apportion the business among themselves as equally as may be.

Judges
may
preside
in other
counties.

SECTION 8. A judge of any superior court may hold a superior court in any county, at the request of a judge of the superior court thereof, and upon the request of the governor it shall be his duty so to do. But a cause in the superior court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the cause.

Powers of
legislature.

SECTION 9. The legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office. The legislature of the state may, at any time, two thirds of the members of the senate and two thirds of the members of the

assembly voting therefor, increase or diminish the number of judges of the superior court in any county, or city and county in the state; *provided*, that no such reduction shall affect any judge who has been elected.

SECTION 10. Justices of the supreme court, of the district courts of appeal, and judges of the superior courts may be removed by concurrent resolution of both houses of the legislature adopted by a two-thirds vote of each house. All other judicial officers except justices of the peace may be removed by the senate on the recommendation of the governor; but no removal shall be made by virtue of this section unless the reasons therefor be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the journal.

Removal
of judicial
officers.

SECTION 11. The legislature shall determine the number of justices of the peace to be elected in townships, incorporated cities, and towns, or cities and counties, and shall fix by law the powers, duties, and responsibilities of justices of the peace; *provided*, such powers shall not in any case trench upon the jurisdiction of the several courts of record, except that said justices shall have concurrent jurisdiction with the superior courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of the liens nor the value of the property amounts to three hundred dollars.

Justices of
the peace;
number
and
powers.

Jurisdic-
tion.

SECTION 12. The supreme court, the district courts of appeal, the superior courts, and such other courts as the legislature may prescribe, shall be courts of record.

Courts of
record.

SECTION 13. The legislature shall fix by law the jurisdiction of any inferior courts which may be established in pursuance of section one of this article, and shall fix by law the powers, duties, and responsibilities of the judges thereof.

Jurisdic-
tion of
inferior
courts.

SECTION 14. The county clerks shall be ex officio clerks of the courts of record in and for their respective counties or cities and counties. The legislature may also provide for the appointment by the several superior courts of one or more commissioners in their respective counties or cities and counties with authority to perform chamber business of the judges of the superior courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.

County
clerks.

Court com-
missioners.

SECTION 15. No judicial officer, except justices of the peace and court commissioners, shall receive to his own use any fees or perquisites of office.

Fees.

SECTION 16. The legislature shall provide for the speedy and uniform publication of such opinions of the supreme court and of the district courts of appeal as may be ordered by said courts respectively, and all such opinions shall be free for publication by any person.

Publica-
tion of
opinions.

Salaries of
supreme
justices
and
superior
judges.

SECTION 17. The justices of the supreme court and judges of the superior courts shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election nor during the term for which they shall have been elected, which compensation shall be paid by the state. Until otherwise changed by the legislature, the annual salaries of the justices of the supreme court shall be six thousand dollars each, and the superior court judges shall receive the salaries now allowed by law, payable monthly.

Salaries of
justices of
district
courts.

SECTION 18. The justices of the district courts of appeal shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election nor during the term for which they shall have been elected. The salaries of the justices of the district courts of appeal shall be paid by the state. Unless otherwise changed by the legislature the annual salaries of the justices of the district courts of appeal shall be six thousand dollars each.

Judicial
officers
ineligible
to other
office dur-
ing term.

SECTION 19. The justices of the supreme court, of the district courts of appeal, and the judges of the superior courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.

Charge
to juries.

SECTION 20. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

Style of all
process.

SECTION 21. The style of all process shall be "The people of the state of California," and all prosecutions shall be conducted in their name and by their authority.

Clerk of
supreme
court.

SECTION 22. The supreme court shall appoint a clerk of that court, but the present clerk of the court shall hold office until the expiration of his term of office; a phonographic reporter, and a bailiff, who shall severally hold his office and be removable at the pleasure of the court. Each district court of appeal shall appoint a clerk, phonographic reporter and bailiff, who shall severally hold his office and be removable at the pleasure of the court by which he is appointed. The supreme court shall appoint a reporter of decisions, who shall appoint an assistant reporter for each of the district courts of appeal. All of said officers shall hold office and be removable at the pleasure of the supreme court. The decisions of the district courts of appeal shall be published in the same volumes with the opinions of the supreme court under the same general title of California Reports; and all statutes in relation to the publication of the opinions of the supreme court shall be deemed to apply to the publication of the decisions of the district courts of appeal.

Reporter
and bailiff.

Reporter
of decisions.

Publica-
tion of de-
cisions of
district
courts.

Judges not
to practice.

SECTION 23. No judge of a court of record shall practice law in any court of this state during his continuance in office.

Eligibility.

SECTION 24. No one shall be eligible to the office of a justice of the supreme court, or of a district court of appeal, or of a

judge of a superior court, unless he shall have been admitted to practice before the supreme court of the state.

SECTION 25. No judge of the supreme court, nor of a district court of appeals, nor of a superior court, shall draw or receive any monthly salary unless he shall take and subscribe an affidavit before an officer entitled to administer oaths that no cause in his court remains undecided that has been submitted for decision for the period of ninety days.

Cases must be decided in ninety days.

CHAPTER XI.

Assembly Concurrent Resolution No. 2, relative to appropriations for roads in and about Yosemite National Park.

[Adopted February 10, 1900.]

WHEREAS, By an Act of Congress approved October first, eighteen hundred and ninety, the tract of land in the state of California described as townships one (1) and two (2) north, and townships one (1), two (2), three (3), and four (4) south, all of ranges nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), and twenty-four (24) east; also townships one (1), two (2), three (3), and four (4) south, of range twenty-five (25) east, and also townships three (3) and four (4) south, of range twenty-six (26) east, excepting therefrom the tract of land known as Yosemite Valley, granted to the state of California for a public park, by an act of congress approved June thirtieth, eighteen hundred and sixty-four, as the same has been surveyed out and accepted by said state, have been set apart for a public park, and the same is known as the "Yosemite National Park"; and

WHEREAS, Such park withdraws from settlement and production a vast area within the state of California; and

WHEREAS, To the present time the appropriations for the improvement and maintenance of said park have been so limited in character that it remains a park in name but not in fact, and is furthermore inaccessible to the people of the United States and the state of California, and therefore of no benefit to said people for the purposes intended; and

WHEREAS, To make said park accessible, it will be necessary to construct various roads to and through said park, and to acquire the existing toll roads in and about said park, requiring national expenditure, due to the fact that said park is under national control; and

WHEREAS, At the last session of congress a special commission was created to examine and report upon the feasibility of acquiring the existing roads in and about said park, and for the construction of other necessary new roads within said park; and

Roads in and to Yosemite Park.

WHEREAS, Said commission has reported fully as to the needs of said park and the amount of expenditure necessary therefor; therefore, be it

Roads in
and to
Yosemite
Park.

Resolved by the assembly, the senate concurring, That our senators in congress be instructed, and our representatives be requested and urged, to take such action as shall result in the securing of proper appropriations in accordance with the report of said commission, for these most necessary improvements, to the end that said Yosemite national park shall be made a park in fact, as well as in name, accessible to the people of the United States at all times.

Resolved further, That the chief clerk of the assembly be instructed to transmit by mail a copy of this resolution to the president of the senate and to the speaker of the house of representatives of the United States of America, and to each senator and representative of the state of California at Washington, D. C.

CHAPTER XII.

Assembly Joint Resolution No. 3, relative to government lands containing petroleum, asphaltum, and other valuable minerals in paying quantities.

[Adopted February 10, 1900.]

Petroleum
and
asphaltum
lands.

WHEREAS, Many thousands of acres of lands bearing petroleum, asphaltum, and other valuable minerals in paying quantities, situate in Kern, Fresno, and other counties of the state of California, have been returned by the United States surveyor-general as agricultural lands; and

WHEREAS, Said lands are now being developed for the minerals they contain, and are producing, and will continue to produce, millions of dollars of wealth in such minerals, and thus building up an industry of immeasurable worth to the state of California; and

WHEREAS, Certain persons are now attempting to acquire title to said lands as agricultural state lands, under an act authorizing the state of California to take government lands in exchange for state school lands, under an act passed in February, eighteen hundred and ninety-one, and "relating to lieu lands to be selected by state or territory," and also in exchange for forest reservation lands under an act of June fourth, eighteen hundred and ninety-seven; and

WHEREAS, The sole purpose of such persons in acquiring said lands is for speculation, because of their value for oil and other minerals, and not for development purposes, thus retarding the growth of one of the most important industries in California, thwarting the will of the people and the intent of our national congress in granting certain

rights to the locator of mining claims, and depriving thousands of miners of their holdings, the title to which has hitherto been held by the United States government to be valid; therefore, be it

Resolved by the assembly, the senate concurring, That our senators be instructed, and our representatives be requested, to use all honorable means to prevent the frauds which seem to be practiced upon the miners in this state, by securing the passage of such laws by the national congress as will preclude the use of what is known as forest reservation land scrip to acquire title to these well-known mineral lands; be it further

Petroleum
and
asphaltum
lands.

Resolved, That the chief clerk of the assembly be instructed to forthwith transmit by mail a copy hereof to our senators and representatives in congress from the state of California.

CHAPTER XIII.

Assembly Joint Resolution No. 4, relating to the report of the California debris commission.

[Adopted February 10, 1900.]

WHEREAS, The California debris commission has, in the report concerning debris dams and restraining works recently submitted to the secretary of war, recommended a system which is claimed to be safe, practicable, and economical; and

Report of
California
debris
commis-
sion.

WHEREAS, In order to secure the inauguration and construction thereof the appropriations recommended by said commission should be made without delay; therefore, be it

Resolved by the assembly, the senate concurring, That our senators be instructed, and our representatives in congress be requested, to urge the approval of said report and the publication thereof, and to use all honorable means to secure the appropriations required to put into execution the plans recommended therein; be it further

Resolved, That a copy of this resolution, duly attested, be transmitted to each senator and representative in congress from the state of California.

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