

THE
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CODES

PASSED AT THE

EXTRA SESSION OF THE THIRTY-SIXTH LEGISLATURE

1906

BEGAN ON SATURDAY, JUNE SECOND, AND ENDED ON TUESDAY, JUNE TWELFTH,
NINETEEN HUNDRED AND SIX



SACRAMENTO:

W. W. SHANNON, : : : SUPERINTENDENT OF STATE PRINTING.
1906.



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STATE OFFICERS.

Name.	Official Position.	Residence.
George C. Pardee	Governor	Oakland
Alden Anderson	Lieutenant-Governor	Suisun
C. F. Curry	Secretary of State	San Francisco
E. P. Colgan	Controller	Santa Rosa
Truman Reeves	Treasurer	San Bernardino
U. S. Webb	Attorney-General	Quincy
Victor H. Woods	Surveyor-General	San Luis Obispo
Thomas J. Kirk	Superintendent of Public Instruction	Fresno
W. W. Shannon	Superintendent of State Printing	San Francisco
J. B. Lauck	Adjutant-General	Oakland
A. B. Nye	Private Secretary to the Governor	Oakland
J. A. Elston	Executive Secretary to the Governor	Berkeley
James L. Gillis	State Librarian	Sacramento

JUSTICES OF SUPREME AND DISTRICT COURTS.

SUPREME COURT. (San Francisco.)

Name.	Official Position.	Residence.
W. H. Beatty	Chief Justice	San Francisco
Frederick W. Henshaw	Associate Justice	Oakland
Thomas B. McFarland	Associate Justice	San Francisco
F. M. Angellotti	Associate Justice	San Rafael
Lucien Shaw	Associate Justice	Los Angeles
William G. Lorigan	Associate Justice	San José
M. C. Sloss	Associate Justice	San Francisco
Frank C. Jordan	Clerk	Oakland

DISTRICT COURTS OF APPEAL.

FIRST APPELLATE DISTRICT. (San Francisco.)

Ralph C. Harrison	Presiding Justice	San Francisco
S. P. Hall	Justice	Oakland
J. A. Cooper	Justice	San Francisco
A. W. Johnson	Clerk	San Francisco

SECOND APPELLATE DISTRICT. (Bullard Block, Los Angeles.)

Wheaton A. Gray	Presiding Justice	Visalia
George H. Smith	Justice	Los Angeles
M. T. Allen	Justice	Los Angeles
W. D. Shearer	Clerk	Los Angeles

THIRD APPELLATE DISTRICT. (Capitol, Sacramento.)

N. P. Chipman	Presiding Justice	Red Bluff
C. E. McLaughlin	Justice	Quincy
A. J. Buckles	Justice	Suisun
H. W. Wood	Clerk	Sutter Creek

STATE SENATORS.

THIRTY-SIXTH (EXTRA) SESSION, 1906.

Name.	Party.	Dis- trict.	Address.
Anderson, John N.	Republican	39	Santa Ana
Bauer, Hamilton A.	Republican	22	503 California St., S. F.
Belshaw, C. M.	Republican	9	Antioch
Broughton, Howard A.	Republican	35	Pomona
Carter, Henry E.	Republican	37	21½ W. Second St., L. A.
Coggins, Clifford	Republican	2	Igerna, Siskiyou Co.
Curtin, J. B.	Democrat	12	Sonora
Diggs, Marshall	Democrat	6	1220 N St., Sacramento
Greenwell, C. B.	Republican	33	Santa Barbara
Hahn, Benj. W.	Republican	36	Pasadena
Haskins, Philip J.	Republican	24	1509 Leavenworth St., S. F.
Irish, John B.	Republican	3	Downieville
Keane, George B.	Republican	23	Laguna and Grove Sts., S. F.
Leavitt, Frank W.	Republican	16	928 Linden St., Oakland
Leeke, Wm. T.	Republican	30	Upland
Lukens, G. R.	Republican	15	Oakland
Lynch, Henry W.	Republican	31	Lynch
Markey, Frank A.	Republican	17	Coroner's Office, S. F.
Mattos, J. G., Jr.	Republican	13	Centerville
McKee, James A.	Republican	7	618 K St., Sacramento
Muenter, A. E.	Republican	11	Stockton
Nelson, John H.	Republican	25	Recorder's Office, S. F.
Pendleton, C. W.	Republican	38	Los Angeles
Ralston, Wm. C.	Republican	10	Melones
Rambo, Samuel H.	Republican	29	Boulder Creek
Rowell, Chester	Republican	26	Fresno
Rush, Benj. F.	Republican	5	Suisun
Sanford, J. B.	Democrat	4	Ukiah
Savage, William H.	Republican	34	San Pedro
Selvae, Thos. H.*	Republican	1	Eureka
Shortridge, Chas. M.	Republican	28	San Jose
Simpson, M. W.	Republican	14	Alameda
Ward, M. L.	Republican	40	San Diego
Welch, Richard I.	Republican	19	1033½ Shotwell St., S. F.
Woodward, E. F.*	Republican	8	Santa Rosa
Wolfe, Edward I.	Republican	21	1332 Fulton St., S. F.

* Resigned during recess.

OFFICERS OF THE SENATE.

HON. ALDEN ANDERSON	President of Senate
HON. EDWARD I. WOLFE	President pro tem.
LEWIS A. HILBORN	Secretary of Senate
J. L. MARTIN	Sergeant-at-Arms
D. G. HOLT	Minute Clerk
D. J. SHIELDS	Assistant at the Desk
J. W. KAVANAGH	Assistant Secretary
FRANK O. CRAMER	Assistant Secretary
REV. C. L. MIEL	Chaplain
C. E. CANFIELD	History Clerk

ASSEMBLYMEN.

THIRTY-SIXTH (EXTRA) SESSION, 1906.

Name.	Party.	Dis- trict.	Address.
Amerige, E. R.	Republican	77	Fullerton
Anthony, Marc.	Republican	43	123 Eddy St., S. F.
Arnerich, Paul.	Republican	55	Los Gatos
Atkinson, Thos. E.	Republican	39	1029 Shrader St., S. F.
Barnes, F. W.*	Republican	79	Pacific Beach
Bates, J. Clem	Republican	47	2017 R. R. Av., Alameda
Beardslee, R. L.	Republican	23	Stockton
Beckett, Samuel H.	Republican	38	1834 Golden Gate Av., S. F.
Bliss, John A.	Republican	50	1902 Telegraph Av., Oakland
Boyle, Patrick J.	Republican	32	915A Illinois St., S. F.
Branstetter, Louis P.	Republican	3	Ferndale
Burge, S. S.	Republican	25	Merced
Burke, John J.	Republican	49	822 Magnolia St., Oakland
Busick, Chas. O.	Republican	17	Sacramento
Chandler, W. F.	Republican	60	Fowler
Cleveland, George C.	Republican	54	Watsonville
Coghlan, Nathan C.	Republican	41	2861 Octavia St., S. F.
Cooper, J. B. R.	Republican	59	Monterey
Coyle, James L.	Republican	1	Hornbrook
Creighton, J. H.	Republican	4	Redding
Cromwell, F. A.	Republican	13	Petaluma
Cullen, John A.	Republican	29	7 Ritch St., S. F.
Devlin, Frank R.	Republican	20	Vallejo
Dorsey, Jesse R.	Republican	66	Bakersfield
Drew, A. M.	Republican	61	Fresno
Duryea, Frank A.	Republican	10	Lincoln
Ells, Harry	Republican	22	Stege
Espey, R. H. E.	Republican	51	1303 7th Av., Oakland
Estudillo, Miguel	Republican	78	Riverside
Gans, H. S.	Republican	5	Red Bluff
Gates, Dr. W. F.	Republican	7	Oroville
Goodrich, John A.	Republican	67	Pasadena
Hartman, Gus	Republican	40	1345 Gough St., S. F.
Hawkins, N. A.	Democrat	16	Woodland
Held, W. D. L.	Republican	6	Ukiah
Houser, Fred W.	Republican	74	Los Angeles
Jarvis, Ward	Republican	56	Santa Clara
John, Warren M.	Republican	63	San Luis Obispo
Johnson, Percy A.	Republican	30	Fallbrook
Johnstone, W. A.	Republican	68	San Dimas
Jones, C. V.	Democrat	26	Sonora
Jones, Fred C.	Republican	37	214 Steiner St., S. F.
Jury, R. H.	Republican	53	San Mateo
King, P. S.	Republican	15	Napa
Lucey, Jeremiah	Republican	31	513 Brannan St., S. F.
Lumley, Aubrey M.	Democrat	27	Porterville
Lynch, Edw. J.	Republican	19	Walsh's Station
Manwell, B. T.	Republican	8	Wheatland
McCartney, H. S. G.	Republican	72	379 Wilson Block, L. A.
McGowan, George A.	Republican	42	492 Eddy St., S. F.
McKenney, C. H.	Republican	11	Ione
McNamara, Francis	Republican	30	53 Rausch St., S. F.
Meincke, Fred J.	Republican	33	4298 Mission St., S. F.
Mindham, Wm. J.	Republican	28	278 Tehama St., S. F.
Mitcheltree, Fayette	Republican	57	Palo Alto
Moore, J. W.	Republican	24	Undine
O'Brien, Frank J.	Republican	18	Sacramento
Olmsted, S. H.	Republican	21	San Rafael
Perkins, David T.	Republican	65	Huene
Pfaeffle, Eugene E.	Republican	36	"The Malta," S. F.

MEMBERS OF THE ASSEMBLY—Continued.

Name.	Party.	Dis- trict.	Address.
Prescott, Frank C.*	Republican	76	Redlands
Pryor, John F.	Democrat	62	Hanford
Pyle, E. M.	Republican	64	Santa Barbara
Rolley, George T.	Republican	2	Eureka
Severance, Fred V.	Republican	34	221 Clipper St., S. F.
Slaven, James	Republican	58	San Juan
Stanton, Philip A.	Republican	71	316 W. Third St., L. A.
Strobridge, E. K.	Republican	46	Haywards
Strohl, Louis	Republican	45	620 Green St., S. F.
Thompson, N. W.	Republican	69	Alhambra
Transue, J. P.	Republican	73	1237 Trenton St., L. A.
Treadwell, Edw. F.	Republican	35	1004 Dolores St., S. F.
Tripp, H. L.*	Republican	14	Santa Rosa
Vogel, Mel.	Republican	44	919 Powell St., S. F.
Walsh, Philip M.	Republican	48	Oakland
Waste, Wm. H.*	Republican	52	2222 Durant Ave., Berkeley
Weyand, Ernest	Republican	12	Colusa
Whiting, Edw. F.	Republican	9	Grass Valley
Wickersham, W. H.	Republican	70	San Pedro

*Resigned during recess.

OFFICERS OF THE ASSEMBLY.

HON. THOS. E. ATKINSON	Acting Speaker
CLIO LLOYD	Chief Clerk
JOHN T. STAFFORD	Sergeant-at-Arms
C. A. THOMPSON	Assistant Clerk
T. G. WALKER	Assistant Clerk
EDWARD HINKLE	Assistant Clerk
ED J. SMITH	Assistant Clerk
J. STEPPACHER	Minute Clerk
R. L. DEMPSEY	Journal Clerk
C. S. MACMULLAN	Engrossing and Enrolling Clerk
REV. W. F. REAGOR	Chaplain
MRS. PAULINE SMITH	Postmistress

PROCLAMATION BY THE GOVERNOR

CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION.

STATE OF CALIFORNIA, }
EXECUTIVE DEPARTMENT. }

WHEREAS, By reason of great conflagration and public calamity extraordinary occasion has arisen and exists, requiring the Legislature of the State of California to convene;

NOW, THEREFORE, I, George C. Pardee, Governor of the State of California, by virtue of the power and authority in me vested by section nine of article five of the Constitution of the State of California, do hereby convene the Legislature to meet and assemble in extraordinary session at Sacramento, California, in the State Capitol, on Saturday, the second day of June, Anno Domini one thousand nine hundred and six, at twelve o'clock meridian of that day, for the purpose of enacting laws, and proposing constitutional amendments upon the following subjects, to wit:

1. To enact a law providing that where holidays have been declared by the Governor for more than thirty days, all legal or official acts or publications done or made on any such holiday or holidays shall be deemed and held as valid as if done, performed, or made on a day or days other than such holiday, or holidays;

2. To enact laws with reference to the restoration, reissuing, reproduction, substitution, evidence, or proof of court records, files, and papers lost, injured, or destroyed by conflagration or other public calamity, and also to enact legislation for the restoration, reissuance, reproduction, substitution, evidence, or proof of instruments, documents, and records, public or private, in like manner, lost, destroyed, or injured, affecting the ownership of or interest in property, or affecting any other right, public or private, evidenced by such documents, and for determining, establishing, and quieting title thereto or to the property or rights evidenced thereby; and providing for the disposition of cases in which the record or any part thereof has been lost or destroyed; also for establishing or quieting title to real or personal property;

3. To appropriate money and to make provision for the construction, erection, reconstruction, repair and restoration of buildings, structures, and property of the State of California damaged, injured, lost, or destroyed by conflagration or other public calamity, and also to provide for their protection against fire;

4. To appropriate money for the use of State institutions, courts, commissions, boards and officers, and the University of California and its affiliated colleges, and to provide for deficiencies in the funds of said State institutions, courts, commissions, boards, and officers, and the University of California and its affiliated colleges;

5. To provide for the pay, expenses, subsistence, and transportation of the National Guard of California and the University Cadets during the months of April, May, and June, 1906;

6. To amend section twelve hundred and thirty-eight of the Code of Civil Procedure by adding thereto a new subdivision, which shall provide only that plants of title insurance and guaranty companies and of title abstract companies and all copies of public records used by such companies be included as one of the purposes for which the right of eminent domain may be exercised in behalf of a municipality;

7. To provide for the erection or leasing of a building at San Francisco for the use of the officers, institutions, organizations, commissions, boards, and departments of the State government maintaining headquarters in San Francisco and not otherwise provided for in State buildings, and for the purchase or leasing of the necessary land therefor;

8. To appropriate the sum of twenty-five thousand dollars, or so much thereof as may be necessary, for the publication, at the State Printing Office, of school text-books to be supplied at cost to the children of indigent parents in the City and County of San Francisco;

9. To amend section sixteen hundred and thirty-six of the Political Code by adding another subdivision thereto, so as to provide for a substitute school census in cases where, by reason of conflagration or other public calamity, a school census has not been or may not be taken;

10. To add a new section to the Political Code, so as to provide a substitute for school records or registers lost, injured, or destroyed by conflagration or other public calamity;

11. To amend section five of the Act of March 6, 1905, relating to the high

school fund, so as to provide for apportionment of said fund in cases where one hundred and eighty days of school have not been held or an average attendance of twenty pupils has not been maintained by reason of conflagration or other public calamity;

12. To add a new section to the Political Code, so as to provide for the issuance of teachers' certificates where the originals have been lost or destroyed by conflagration or other public calamity;

13. To amend section sixteen hundred and seventeen of the Political Code by adding another subdivision thereto, so as to enable school trustees and boards of education to compromise litigation arising from the destruction of school buildings in course of erection on April 18, 1906;

14. To amend the Political Code by adding a new section thereto so as to require insurance companies to furnish the Insurance Commissioner, when requested by him, as of a date past or present, to be designated by the Commissioner, with complete data with reference to policies issued by them in the State of California, or any portion thereof, and to provide for penalties for failure or neglect so to do;

15. To extend to July 31, 1906, the time in which insurance companies organized in countries foreign to the United States shall file their annual statements for the year 1905, and to relieve said companies from penalties provided by section six hundred and eleven of the Political Code;

16. To amend subdivision eleventh of section sixteen hundred and seventy of the Political Code by adding an additional clause thereto, providing that bonds of high school districts may be issued and sold for the purposes of repairing, restoring, and rebuilding any high school building damaged, injured, or destroyed by conflagration or other public calamity;

17. To amend an act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905, so as to increase the license tax on said corporations and the penalty for failure to pay the same, and to provide for the revival, under certain conditions, of corporations which have not paid said tax, and to make provision for settling the affairs of corporations where said license tax has not been paid; also, to refund to corporations license taxes heretofore illegally collected;

18. To amend section thirty-seven hundred and sixty-four of the Political Code, so as to extend the time of publication of the delinquent tax list of the fiscal year 1905-6 for a period not exceeding twenty days;

19. To amend section thirty-seven hundred and five of the Political Code so as to enable the State Board of Equalization, in the event of conflagration or other public calamity, to extend, not exceeding forty days, the time within which county or city and county officers shall perform official acts relating to revenue and taxation; and also extending, for the same period, the time in which the State Board of Equalization shall perform its official acts relating to revenue and taxation;

20. To amend section thirty-seven hundred and thirteen of the Political Code, fixing the rate of taxation and amount required for the several funds;

21. To enact laws authorizing the transfer to the United States of America of rights of way obtained by the State or by the Commissioner of Public Works for a diverting canal to protect the city of Stockton from flood and to make navigable its river approaches; and also authorizing the transfer to the United States of America of certain tide lands in San Diego bay for a quarantine station;

22. To amend sections three hundred and thirty-seven and three hundred and thirty-nine of the Code of Civil Procedure so as to extend the limitations prescribed therein not to exceed six months beyond the time now allowed in each of said sections, respectively; and also to amend section ten hundred and fifty-four of the Code of Civil Procedure so as to enable judges of the Superior Court to extend time in civil actions and proceedings for a period not exceeding ninety days;

23. To add a new section to the Code of Civil Procedure so as to enable justices' courts or justices of the peace to stay execution not exceeding ten days on any judgment rendered by such court; and also to amend section eight hundred and sixty-seven of the Code of Civil Procedure so as to provide that undertakings on attachments filed in justices' courts must be personally approved by the justice, and fixing the amount of such undertaking;

24. To amend section ten of the act creating a Board of Bank Commissioners, approved March 24, 1903, so as to authorize such board to assume control of and manage certain banks when by the board deemed necessary, for a period of six months, without commencing suit;

25. To amend an act entitled "An act to authorize cities to acquire and operate a joint system or systems of water supply," approved March 24, 1903, so as to include within the provisions of said act territory intervening between any two or more cities, cities and counties, towns or municipalities;

26. To amend the existing statutes and enactments relating to moneys collected by the Board of State Harbor Commissioners so as to increase the amount of money that may be retained and used by said board each month for urgent repairs;

27. To consider and enact laws extending the time for the performance or taking of any act or proceeding of a secular nature, appointed, or required, or limited by,

or pursuant to law, or pursuant to any contract, to be performed or taken on any days in the month of June, 1906, prior to the last day of said month;

28. To consider and act upon propositions to amend section six hundred and twenty-five of the Code of Civil Procedure, and section six hundred and thirty of the Political Code;

29. To amend the laws concerning liens of mechanics, laborers and others upon real property for the sole purpose of providing that where legal holidays have been declared by the Governor for more than thirty days, the time within which said persons shall be required to file their claims of lien with the County Recorder shall be extended beyond the time when they would otherwise have been entitled to file the same;

30. To consider and propose an amendment to the Constitution of the State of California repealing section five of article thirteen thereof, relating to contracts for the payment of taxes or assessments on money loaned, or on mortgages, deeds of trust or other liens, so that the borrower may be free to make a contract for a net rate of interest;

31. To consider and propose an amendment, to be submitted at the next general election, to section eight of article eleven of the Constitution, so as to facilitate, for the period of two years, the amendment of the charter of the city and county of San Francisco and the charter of the city of San José, without ratification by the Legislature;

32. To consider and propose an amendment, to be submitted at the next general election, to article eleven of the Constitution of the State of California, by adding a new section thereto conferring, for a period of two years, certain powers and rights on the city and county of San Francisco relative to streets, parks, boulevards, reservoirs and lands owned or hereafter to be acquired by it, and to the uses thereof; provided, that said amendment shall contain a provision that no lands, nor any part thereof, now owned by said city and county of San Francisco, shall be sold or exchanged, unless such sale or exchange shall first be authorized by a majority of the votes of said city and county voting thereon, at a special election called for the purpose of such authorization; but this shall not be construed to prevent any exchange of lands acquired by said city and county after the adoption of this amendment by the Legislature for street purposes; and provided, that said amendment shall contain the further provision that no existing public park or square, or any part thereof, shall be sold or exchanged under the provisions of said amendment; and that said amendment shall contain the further provision that nothing in said amendment contained shall be construed as to confer upon the board of supervisors any power or authority, beyond that at this date possessed by it, to extend the term or time of existence, or conditions, of any franchise;

33. To consider and propose an amendment, to be submitted at the next general election, to article sixteen of the Constitution of the State of California so as to provide necessary funds, through State indebtedness and the issuance of bonds in excess of the amount which may be incurred under the provisions of section one of said article, for the purpose of rebuilding, repairing, replacing and restoring the buildings and property of the State destroyed or damaged by conflagration or other public calamity, and to provide funds for meeting any deficiency in the revenues of the State for the fiscal years commencing July 1, 1907, and ending June 30, 1912;

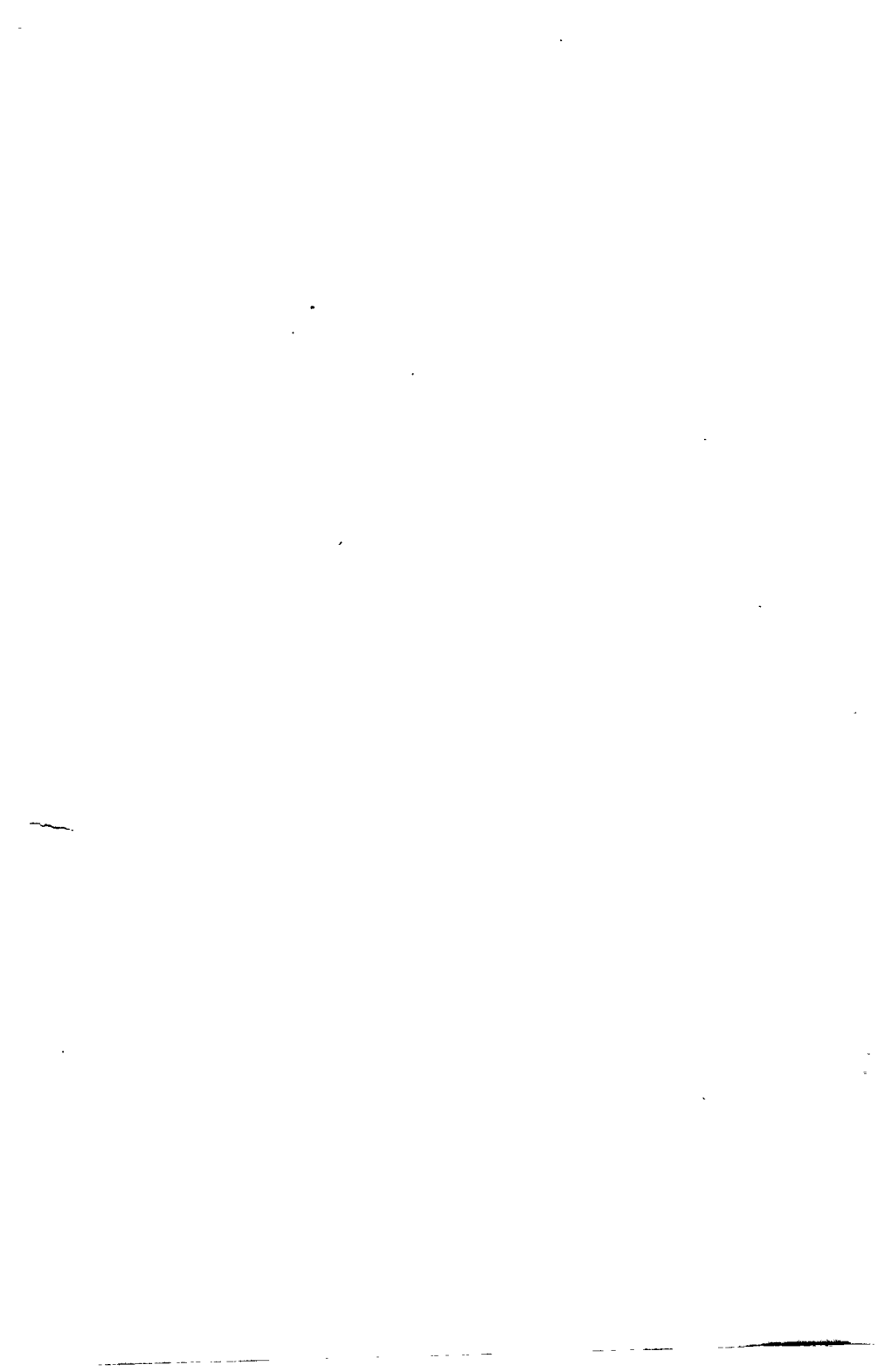
34. To consider and propose an amendment, to be submitted at the next general election, to section eighteen of article eleven of the Constitution of the State of California, so as to enable counties, cities and counties, towns, townships, boards of education and school districts to incur indebtedness and issue bonds to run for a period not exceeding one hundred years and to provide for interest and sinking funds in connection therewith;

35. To confirm such nominations as may be sent to the Senate.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereunto the great seal of the State of California, at my office in the State Capitol, this first day of June, in the year of our Lord the one thousand nine hundred and sixth, and of the admission of the State of California the fifty-sixth.

GEORGE C. PARDEE,
Governor of the State of California.

ATTEST:
C. F. CURRY,
Secretary of State.



STATUTES OF CALIFORNIA

PASSED AT THE

EXTRA SESSION OF THE THIRTY-SIXTH LEGISLATURE.

CHAPTER I.

An act to amend sections three hundred and thirty-seven and three hundred and thirty-nine of the Code of Civil Procedure, relating to the limitation of actions.

[Approved June 3, 1906.]

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

SECTION 1. Section three hundred and thirty-seven of the Code of Civil Procedure is hereby amended to read as follows:
337. Within four years:

An action upon any contract, obligation, or liability, founded upon an instrument in writing executed within this state; *provided*, that wherever the time within which any such action must be so commenced would in any case expire by the terms of this section after the first day of June, one thousand nine hundred and six, and before the first day of January, one thousand nine hundred and seven, such action may be commenced at any time before the first day of January, one thousand nine hundred and seven, with the same force and effect as if commenced within four years, as in this section provided.

SEC. 2. Section three hundred and thirty-nine of the Code of Civil Procedure is hereby amended to read as follows:

339. Within two years:

1. An action upon a contract, obligation, or liability, not founded upon an instrument of writing, or founded upon an instrument of writing executed out of the state.

2. An action against a sheriff, coroner, or constable, upon a liability incurred by the doing of an act in his official capacity, and in virtue of his office, or by the omission of an official duty, including the non-payment of money collected upon an execution: But this subdivision does not apply to an action for an escape.

Provided, that wherever the time within which any action mentioned in this section must be so commenced would in any case expire by the terms of this section after the first day of June, one thousand nine hundred and six, and before the first

Statute of limitations.

Within four years.

Actions upon contracts, etc., founded upon an instrument in writing executed within this state.

Within two years.

Founded upon an instrument of writing executed out of the state.

Action against a sheriff, coroner, or constable.

Proviso.

day of January, one thousand nine hundred and seven, such action may be commenced at any time before the first day of January, one thousand nine hundred and seven, with the same force and effect as if commenced within two years as in this section provided.

SEC. 3. This act shall take effect immediately.

CHAPTER II.

An act to amend the Political Code by adding a new section thereto, to be numbered section five hundred and ninety-seven a, relating to statements to be furnished to the insurance commissioner by insurance companies.

[Approved June 3, 1906.]

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

Insurance commissioner.

SECTION 1. A new section, to be known as section five hundred and ninety-seven a, is hereby added to the Political Code, to read as follows:

List of policies of insurance issued by insurance companies to be furnished the insurance commissioner.

597a. The commissioner has power to, and whenever he deems necessary may, in writing, require any company engaged in insurance business in the State of California, to furnish the commissioner, as of a date, past or present, to be designated by the commissioner, a full and complete list of all its policies of insurance on property or risks located within that portion of the State of California included within the territory described by the commissioner, and which policies had not by the terms thereof expired on the date designated by the commissioner. Such list must show the number of the policy, the name in which the policy was issued, the amount for which it was issued, the nature and description of the property on which the policy was written or the nature of the risk assumed by the company, the location of the property and the residence of the insured, and the form or class of such policy as designated on the policy by the company. The commissioner shall require such list to be accompanied by the several forms of policies so designated and classified by the company, and the forms of riders, if any, attached to each particular form of policy. Any company which fails or neglects to furnish such lists and forms for the period of ten days from the date of the commissioner's request, shall forfeit its right to do business in this state, and the commissioner shall thereupon revoke, in the manner provided in section six hundred of this code, the certificate previously granted such company to do business in this state, and said company shall also be liable to a penalty in the sum of two thousand dollars, for the payment of which penalty suits may be instituted by the commissioner in the

List must show what.

List to be accompanied by forms of policies.

Penalty for failure to furnish list and forms.

name of the people of the State of California, in a court of competent jurisdiction, to recover such penalty or accumulated penalties. Said company shall be liable for said penalty or penalties upon the bond filed by said company, pursuant to section six hundred and twenty-three of the Political Code.

Liability for penalty upon bond filed by company.

SEC. 2. This act shall take effect immediately.

CHAPTER III.

An act to amend section three thousand seven hundred and sixty-four of the Political Code relating to the publication of the delinquent tax list.

[Approved June 3, 1906.]

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

SECTION 1. Section three thousand seven hundred and sixty-four of the Political Code is hereby amended to read as follows:

Revenue and taxation.

3764. On or before the sixteenth day in July of the year one thousand nine hundred and six, and on or before the fifth day in June of each year thereafter, the tax collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of taxes, penalties, and costs due, opposite each name and description, with the taxes due on personal property, the delinquent state, poll, road, and hospital tax, the taxes due each school, road, or other lesser taxation district, added to the taxes on real estate, where the real estate is liable therefor, or the several taxes are due from the same person. The expense of the publication to be a charge against the county, or city and county.

Publication of delinquent tax list.

Contents of list.

Expense of publication.

SEC. 2. This act shall take effect immediately.

CHAPTER IV.

An act making an appropriation for the contingent expenses of the assembly for the extra session of the thirty-sixth legislature of the State of California, during the fifty-seventh fiscal year.

[Approved June 3, 1906.]

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

Appropriation.

Contingent expenses of assembly.

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the contingent expenses of the assembly of the extra session of the thirty-sixth legislature of the State of California, during the fifty-seventh fiscal year.

SEC. 2. This act shall take effect immediately.

CHAPTER V.

An act to extend the time for the performance of any act or the taking of any proceeding appointed, required or limited by or in pursuance of law to be performed or taken on any day or within any time in the month of June, 1906, prior to the last day of said month.

[Approved June 3, 1906.]

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

Extension of time for performance of any act required to be performed in June, 1906.

Except.

SECTION 1. Any act or proceeding appointed, required or limited by or in pursuance of law to be performed or taken on any day or within any time in the month of June, 1906, prior to the last day of said month, may be performed or taken on any day not later than the tenth day of July, A. D. 1906, with the same effect as if it had been performed or taken on the day or within the time wherein such act or proceeding was so appointed, required or limited to be performed. The provisions of this act shall not apply to criminal actions.

SEC. 2. This act shall take effect immediately.

CHAPTER VI.

An act to amend section one thousand and fifty-four of the Code of Civil Procedure, relating to the power of courts to extend the time within which certain acts must be performed.

[Approved June 3, 1906.]

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

SECTION 1. Section one thousand and fifty-four of the Code of Civil Procedure is hereby amended to read as follows: Actions.

1054. When an act to be done, as provided in this code, relates to the pleadings in the action, or the undertakings to be filed, or the justifications of sureties, or the preparation of statements, or of bills of exceptions, or of amendments thereto, or to the service of notices other than of appeal, the time allowed by this code may be extended, upon good cause shown, by the judge of the superior court in and for the county in which the action is pending, or by the judge who presided at the trial of said action; but such extension shall not exceed thirty days, without the consent of the adverse party; except that when it appears to the judge to whom said application is made, that the attorney of record for the party applying for said extension is actually engaged in attendance upon a session of the legislature of this state, as a member thereof; in which case it shall be the duty of said judge to extend said time until said session of the legislature adjourns, and thirty days thereafter: *provided, however,* that from and after the passage of this act to and including the twenty-eighth day of February, nineteen hundred and seven, the judge shall have power to extend the foregoing time as to any matter enumerated in this section for not exceeding ninety days, and shall also have power during said period to extend by order, for not exceeding ninety days, the time for filing and serving notices of appeal and for the performance of any act in any action or special proceeding required by this code to be done within a specified time. Time within which an act is to be done may be extended by the court.

Proviso.

SEC. 2. This act shall take effect immediately.

CHAPTER VII.

An act making an appropriation for the contingent expenses of the senate for the extra session of the thirty-sixth legislature of the State of California, during the fifty-seventh fiscal year.

[Approved June 3, 1906.]

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

Appropriation.
Contingent expenses of the 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-sixth legislature of the State of California, during the fifty-seventh fiscal year.

SEC. 2. This act shall take effect immediately.

CHAPTER VIII.

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

[Approved June 5, 1906.]

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

Appropriation.
Pay of 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 three thousand five hundred dollars, for the pay of officers and clerks of the assembly for the extra session of the thirty-sixth legislature of the State of California, for the fifty-seventh fiscal year.

SEC. 2. This act shall take effect immediately.

CHAPTER IX.

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

[Approved June 5, 1906.]

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

SECTION 1. The sum of twelve thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the per diem and mileage of assemblymen for the extra session of the thirty-sixth legislature of the State of California, during the fifty-seventh fiscal year.

Appropriation.

Per diem and mileage of members of assembly.

SEC. 2. This act shall take effect immediately.

CHAPTER X.

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-sixth legislature of the State of California, during the fifty-seventh fiscal year.

[Approved June 6, 1906.]

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 dollars, to pay the per diem and mileage of the lieutenant-governor and senators for the extra session of the thirty-sixth legislature of the State of California, during the fifty-seventh fiscal year.

Appropriation.

Per diem and mileage of lieutenant governor and senators.

SEC. 2. This act shall take effect immediately.

CHAPTER XI.

An act making an appropriation for the pay of officers, clerks and attachés of the senate for the extra session of the thirty-sixth legislature of the State of California, during the fifty-seventh fiscal year.

[Approved June 6, 1906.]

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

Appropriation.

Pay of officers and clerks of senate.

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

SEC. 2. This act shall take effect immediately.

CHAPTER XII.

An act making an appropriation for the contingent expenses of the senate for the extra session of the thirty-sixth legislature of the State of California, during the fifty-seventh fiscal year.

[Approved June 8, 1906.]

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

Appropriation.

Contingent expenses of the senate.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of eight hundred and fifty dollars, for the contingent expenses of the senate for the extra session of the thirty-sixth legislature of the State of California, during the fifty-seventh fiscal year.

SEC. 2. This act shall take effect immediately.

CHAPTER XIII.

An act to furnish, grant, convey and relinquish to the United States of America the right of way in San Joaquin county now (or hereafter) obtained by the commissioner of public works under an act of the legislature, approved March 25, 1903, entitled "An act authorizing the commissioner of public works to obtain a right of way for a canal to divert the waters of Mormon channel into the Calaveras river, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way, and the costs and expenses of obtaining the same," and under the laws of the State of California relating to such matters, for the purpose of the construction and completion of such right of way by the United States of America of a diverting canal east of the city of Stockton from the Mormon channel to the Calaveras river and along the channel of the Calaveras river to the San Joaquin river, pursuant to an act of congress of June 13, 1902, and to subsequent acts of congress relating thereto, and to authorize the commissioner of public works and the governor of the state to execute conveyances thereof, and to authorize and direct the secretary of state to countersign and make delivery of the same to the United States of America.

[Approved June 9, 1906.]

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

SECTION 1. For the purpose of enabling the government of the United States of America to construct, complete and maintain in San Joaquin county, a canal to divert the waters of the Mormon channel into the Calaveras river, and thence along the channel of the Calaveras river to the San Joaquin river, in accordance with an act of the congress of the United States of date June 13th, 1902, entitled, "An act making appropriations for the construction, repair and preservation of certain public works on rivers and harbors, and for other purposes," and being Chapter 1079 of the Public Acts of the 57th Congress, passed at its first session, and of other subsequent acts of the congress making further appropriations for the construction and completion of said canal, the State of California hereby furnishes, grants, conveys, releases and relinquishes to "The United States of America," all its right, title and interest to the right of way for such diverting canal now (or hereafter) obtained, by purchase, condemnation or otherwise by the commissioner of public works under an act of the legislature approved March 25, 1903, entitled, "An act authorizing the commissioner of public works to obtain a right of way for a canal to divert the waters of Mormon channel into the Calaveras river, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and

Right of way to be furnished the government of the United States for construction of canal in San Joaquin county.

the costs and expenses of obtaining the same," and under general laws of the State of California relating to such matters.

Powers and duty of commissioner of public works.

SEC. 2. The commissioner of public works is hereby authorized and directed to grant to the State of California such portions of said right of way as have been granted directly to him, and the governor of the state is hereby authorized and directed on behalf of the State of California to execute a patent, conveyance and grant of such right of way to the United States of America, and the secretary of state is hereby authorized and directed to countersign and make delivery of the same to the United States of America.

Description of right of way.

SEC. 3. The right of way mentioned in section two is described as that certain strip of land situate, lying and being in the County of San Joaquin, State of California, having for its easterly extremity the south bank of the Mormon channel and for its westerly extremity the San Joaquin river, and lying between two certain lines, which lines are described as follows, to-wit:

1. The westerly and southerly or left boundary line.

Commencing at a point on the south side of the Stockton and Copperopolis road westerly 361 feet from the point of intersection of the south line of said road with the quarter-section line between the east half and the west half of section 76 of C. M. Weber's Grant, "El Rancho del Campo de los Franceses," and running thence along the south line of said road south $73^{\circ} 00'$ west 261 feet; thence south $57^{\circ} 00'$ east 1150 feet to the center of the Mormon channel; thence south $57^{\circ} 00'$ east to the south bank of the Mormon channel, which is the point of commencement; and from such point of commencement run north $57^{\circ} 00'$ west to the center of the Mormon channel; thence north $57^{\circ} 00'$ west 1150 feet to the south line of said Stockton and Copperopolis road; thence north $57^{\circ} 00'$ west to the north line of said Stockton and Copperopolis road; thence north $57^{\circ} 00'$ west 2567 feet to a point which is south $17^{\circ} 00'$ east 269.4 feet from the north-west corner of section 76 of said grant; thence north $57^{\circ} 00'$ west 352 feet; thence north $57^{\circ} 00'$ west 2257 feet; thence north $61^{\circ} 45'$ west 690 feet to the southerly line of the right of way of the Stockton and Copperopolis railroad; thence north $61^{\circ} 45'$ west to the northerly line of the right of way of said Stockton and Copperopolis railroad; thence north $61^{\circ} 45'$ west 176 feet to a point in the line between the east half and the west half of section 65 of said grant, north $17^{\circ} 00'$ west 143 feet distant from the northerly line of the right of way of said Stockton and Copperopolis railroad; thence north $61^{\circ} 45'$ west 5852 feet; thence north $61^{\circ} 45'$ west 208.4 feet to a point in line between the north half and the south half of section 54 of said grant, north $73^{\circ} 00'$ east 2717 feet distant from the west line of said section 54; thence north $61^{\circ} 45'$ west 949 feet; thence north $61^{\circ} 45'$ west 976 feet to a point south $17^{\circ} 00'$ east 929 feet distant from a point that is north $73^{\circ} 00'$ east 1401.5 feet distant from the common corner of

sections 42, 43, 53, and 54 of said grant; thence north $61^{\circ} 45'$ west 669 feet; thence north $61^{\circ} 43'$ west 572 feet; thence north $61^{\circ} 45'$ west 28 feet to a point north $73^{\circ} 00'$ east 521 feet distant from the corner common to sections 42, 43, 53 and 54 of said grant; thence north $61^{\circ} 45'$ west 1606 feet to a point north $17^{\circ} 00'$ west 1178 feet distant from the southwest corner of San Joaquin County Survey No. 821; thence north $61^{\circ} 45'$ west 483.5 feet to the south line of the Cherokee Lane road; thence north $61^{\circ} 45'$ west 1130 feet; thence north $61^{\circ} 45'$ west 466 feet to a point which is south $73^{\circ} 00'$ west 326 feet from the northeast corner of San Joaquin County Survey No. 2875; thence north $61^{\circ} 45'$ west 5062 feet; thence north $75^{\circ} 10'$ west 305.5 feet to a point which is north $16^{\circ} 55'$ west 1600 feet distant from the southeast corner of San Joaquin County Survey No. 1501; thence south $85^{\circ} 00'$ west 283 feet; thence south $58^{\circ} 00'$ west 613.5 feet to a point which is north $16^{\circ} 55'$ west 1486 feet distant from the southwest corner of San Joaquin County Survey No. 1501; thence south $81^{\circ} 50'$ west 808 feet; thence south $74^{\circ} 10'$ west 328.5 feet; thence north $73^{\circ} 30'$ west 627 feet; thence south $75^{\circ} 25'$ west 1829 feet to a point which is north $17^{\circ} 00'$ west 3633 feet from the southwest corner of San Joaquin County Survey No. 1167; thence south $75^{\circ} 25'$ west 714 feet; thence south $84^{\circ} 30'$ west 700 feet; thence north $82^{\circ} 40'$ west 480 feet; thence south $76^{\circ} 00'$ west 464 feet; thence south $48^{\circ} 10'$ west 406 feet; thence south $48^{\circ} 10'$ west 304 feet; thence south $19^{\circ} 45'$ west 801.5 feet; thence south $19^{\circ} 45'$ west 198.5 feet; thence south $28^{\circ} 10'$ west 401 feet; thence south $28^{\circ} 10'$ west 591 feet; thence south $28^{\circ} 10'$ west 8 feet; thence south $48^{\circ} 10'$ west 476 feet to the east line of the Lower Sacramento road; thence south $48^{\circ} 10'$ west to the west line of the Lower Sacramento road and a point which is south $17^{\circ} 00'$ east 2929 feet distant from the southeast corner of San Joaquin County Survey No. 997; thence south $48^{\circ} 10'$ west 1790 feet; thence south $40^{\circ} 00'$ west 265 feet; thence south $71^{\circ} 35'$ west 550 feet; thence south $57^{\circ} 00'$ west 283 feet; thence south $69^{\circ} 35'$ west 200 feet; thence north $71^{\circ} 00'$ west 240 feet; thence north $43^{\circ} 40'$ west 329 feet; thence north $48^{\circ} 25'$ west 310 feet; thence north $75^{\circ} 56'$ west 401 feet; thence north $83^{\circ} 30'$ west 218 feet; thence south $88^{\circ} 00'$ west 202 feet; thence north $68^{\circ} 25'$ west 187 feet; thence north $77^{\circ} 50'$ west 925.5 feet; thence south $67^{\circ} 35'$ west 740 feet to a point from which a four-inch gas pipe mentioned in an agreement between J. C. Smith and Elizabeth Barnhart, recorded on January 30, 1899, in the office of the county recorder of San Joaquin county in book "A," vol. 98 of deeds, at page 308, San Joaquin county records, is south $39^{\circ} 00'$ east 29.5 feet distant; thence south $67^{\circ} 35'$ west 805 feet; thence north $86^{\circ} 45'$ west 706 feet; thence south $67^{\circ} 15'$ west 506 feet; thence south $89^{\circ} 10'$ west 955 feet; thence south $63^{\circ} 05'$ west 761 feet; thence south $42^{\circ} 20'$ west 1845 feet to a point from which a four-inch gas pipe referred to in said agreement is north $48^{\circ} 50'$ west 43 feet distant; thence north $48^{\circ} 50'$ west to the

Descrip-
tion of
right of
way.

Descrip-
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way.

south or left bank of the Calaveras river; thence down stream along the south or left bank of said Calaveras river to the right bank of the San Joaquin river, and together therewith the right to place excavations on the levee now upon the south or left side of said Calaveras river.

2. The easterly and northerly or right line.

Commencing at a point on the south side of the Stockton and Copperopolis road westerly 361 feet from the point of intersection of the south line of said road with the quarter section line between the east half and the west half of section 76 of C. M. Weber's Grant "El Rancho del Campo de Los Franceses" and run thence north $73^{\circ} 00'$ east 261 feet along the south line of said road; thence south $57^{\circ} 00'$ east 1150 feet to the center of Mormon channel; thence south 57° east 1150 feet to the south bank of Mormon channel which is the point of commencement; from such point of commencement run north $57^{\circ} 00'$ west to the center of Mormon channel; thence north $57^{\circ} 00'$ west 1150 feet to the south line of the said road; thence on the same course to the north line of said road; thence on the same course 2919 feet to a point north $73^{\circ} 00'$ east 226 feet from the northwest corner of section 76; thence north $57^{\circ} 00'$ west 2609 feet; thence north $61^{\circ} 45'$ west 294 feet to the south line of the right of way of the Stockton and Copperopolis railroad; thence on same course to the north line of said right of way of said railroad; thence on same course 1000 feet; thence on same course 5258 feet; thence on same course 1749 feet; thence on same course 176 feet; thence on same course 1281 feet; thence on same course 2406 feet; thence on same course 56 feet to the south line of the Cherokee Lane road; thence on same course 1590 feet to a point which is north $17^{\circ} 00'$ west 237 feet from the northeast corner of San Joaquin County Survey No. 2875; thence on the same course 2327 feet to a point which is north $73^{\circ} 00'$ east 281.7 feet distant from the point of intersection of the north line of San Joaquin County Survey No. 2873 with the west line of that portion of San Joaquin County Survey No. 1345 which lies in section 41 of said grant; thence north $61^{\circ} 45'$ west 400 feet; thence on same course 2397 feet; thence on same course 50 feet; thence north $75^{\circ} 10'$ west 395 feet; thence south $85^{\circ} 00'$ west 449 feet; thence south $58^{\circ} 00'$ west 215 feet; thence south $58^{\circ} 00'$ west 421 feet; thence south $81^{\circ} 50'$ west 727 feet; thence south $74^{\circ} 10'$ west 255 feet to the east line of Cooper's or West's lane; thence north $73^{\circ} 30'$ west 630 feet; thence south $75^{\circ} 25'$ west 2150 feet; thence south $75^{\circ} 25'$ west 475 feet; thence south $84^{\circ} 30'$ west 623 feet; thence north $82^{\circ} 40'$ west 511.5 feet; thence south $76^{\circ} 00'$ west 640 feet; thence south $48^{\circ} 10'$ west 910.5 feet; thence south $19^{\circ} 45'$ west 1072 feet; thence south $28^{\circ} 10'$ west 900 feet; thence south $48^{\circ} 10'$ west 354 feet to the west line of the Lower Sacramento road, which point of intersection is south $17^{\circ} 00'$ east 2488 feet distant from the southeast corner of San Joaquin County Survey No. 997 and run thence south $48^{\circ} 10'$ west 2129 feet; thence south $69^{\circ} 35'$ west 781 feet; thence north $48^{\circ} 25'$ west 587 feet;

thence north 70° 50' west 359½ feet; thence north 83° 30' west 614.5 feet; thence north 77° 50' west 1210 feet; thence south 67° 35' west 1587 feet; thence north 89° 10' west 694 feet; thence south 65° 00' west 520 feet; thence north 88° 25' west 650 feet; thence south 77° 30' west 430 feet; thence south 60° 05' west 795 feet; thence south 46° 35' west 1010 feet; thence south 42° 20' west 1408 feet; thence south 69° 55' west 857.5 feet; thence south 25° 50' west 1082 feet; thence south 54° 10' west 852 feet; thence south 58° 30' west 1171 feet; thence south 83° 00' west 900 feet, more or less, to the right bank of the San Joaquin river; said right of way being from its commencement at the Mormon channel to the Calaveras river and along the Calaveras river to the west line of the Lower Sacramento road of a uniform width of 400 feet.

Descrip-
tion of
right of
way.

SEC. 4. All rights of way hereafter acquired by the State of California, or by its commissioner of public works for said specified purpose are hereby also furnished, granted, conveyed, released and relinquished by the State of California to the United States of America, and the governor of the state is hereby authorized and directed on behalf of the State of California to execute a patent, conveyance and grant of the same to the United States of America, and the secretary of state is hereby authorized and directed to countersign and make delivery of the same to the United States of America.

Patent,
con-
veyance,
and grant,
how
executed.

SEC. 5. The State of California furnishes, grants, conveys, releases and relinquishes such rights of way upon the express condition that all civil process issued from the courts of this state, and such criminal process as may issue under the authority of this state, against any person charged with crime, may be served and executed thereon in the same mode and manner and by the same officers as if such conveyance had not been made.

Conditions
of grant.

SEC. 6. This act shall take effect immediately.

CHAPTER XIV.

An act making an appropriation for the contingent expenses of the senate for the extra session of the thirty-sixth legislature of the State of California, during the fifty-seventh fiscal year.

[Approved June 11, 1906.]

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 four hundred dollars, for the contingent expenses of the senate for the extra session of the thirty-sixth legislature of the State of California, during the fifty-seventh fiscal year.

Appropriation.
Contingent expenses of senate.

SEC. 2. This act shall take effect immediately.

CHAPTER XV.

An act making an appropriation for the contingent expenses of the assembly for the extra session of the thirty-sixth legislature of the State of California during the fifty-seventh fiscal year.

[Approved June 12, 1906.]

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

Appropriation.
Contingent expenses of assembly.

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the contingent expenses of the assembly of the extra session of the thirty-sixth legislature of the State of California, during the fifty-seventh fiscal year.

SEC. 2. This act shall take effect immediately.

CHAPTER XVI.

An act to provide for the selection, location, acquisition and purchase of a site or sites, in the city and county of San Francisco, State of California, for the erection, equipment and furnishing of a building or buildings, and for the improvement of the grounds thereof, for the use and occupancy of the officers and departments of the state government of the State of California maintaining headquarters in said city of San Francisco, and making an appropriation therefor.

[Approved June 12, 1906.]

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

Appropriation state building, San Francisco.
Commission created.
Term of office and traveling expenses.

SECTION 1. A commission is hereby created, to consist of the governor of the State of California, the attorney-general of the State of California, and the mayor of the city and county of San Francisco, who shall be known as the "Commissioners of the State Buildings at San Francisco." Said commission shall continue to act as such until they have performed the duties hereinafter provided for. They shall receive no compensation for their services, but their necessary traveling expenses shall be paid out of the moneys hereinafter appropriated.

Selection of site for erection of building.

SEC. 2. Immediately after the passage of this act, said commission shall proceed to select, locate, purchase or acquire, a site or sites, in the city and county of San Francisco, for the erection thereon of one or more public buildings for the use and occupancy of the officers and departments of the state government maintaining headquarters in San Francisco, the

same to be modern in all respects, and along such designs as usually employed in the erection and construction of government buildings, and to erect, construct, equip and furnish such building or buildings thereon. Said commission shall have the power to receive, in the name of the State of California, gifts or donations of any such site or sites, together with any and all appurtenances connected therewith. The title of any and all of such property, purchased, or otherwise acquired, shall be taken in the name of the State of California.

Style of building.

Power of commission to receive gifts of site.

Title to vest in state.

Claim of purchase price presented to board of examiners.

Controller to draw warrant for purchase price.

Deed to be delivered to secretary of state.

Recorded and filed.

SEC. 3. When said commission shall have selected such site or sites, if the same are to be purchased, they shall present their claim for the amount, or sum to be paid therefor, to the state board of examiners, and upon the allowance of said bill, or claim, the controller shall draw his warrant for the amount thereof, payable out of the sum herein appropriated, in favor of the owner, or owners of such property selected, and agreed to be purchased, as herein provided for, such warrant or warrants, when so drawn, shall be delivered to such commission, and the same shall be used for the purchase of such site or sites, taking a deed therefor, as aforesaid, the same to be delivered to the secretary of state of the State of California, and filed and recorded in the office of the recorder of the city and county of San Francisco, and in the office of the secretary of state.

Building to be delivered to commission for management.

SEC. 4. After the selection, acquisition or purchase of said site or sites, and the erection, equipment, completion and furnishing of the building or buildings thereon, as required and provided for in the provisions of this act, the possession of said premises and buildings shall be, by the commission herein provided for, delivered to a commission, which commission shall be composed of the governor, and secretary of state and the attorney-general of the State of California, which commission shall thereafter be, and is hereby created as the commission for the management of said building or buildings.

SEC. 5. The sum of five hundred thousand (\$500,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to carry into effect the provisions of this act, and to be used in payment of the purchase price of such site or sites, and the erection, equipment, completion and furnishing of said building or buildings, and of said moneys hereby appropriated, three hundred thousand (\$300,000.00) dollars thereof shall be available July 1st, 1906, and the remaining two hundred thousand (\$200,000.00) dollars thereof shall be available July 1st, 1907.

Appropriation.

Available when.

SEC. 6. This act is hereby exempt from the provisions of the building act approved March 23, 1876, and all acts amendatory thereof and supplemental thereto.

Exempt from building act of 1876

SEC. 7. This act shall take effect, and be in force from and after July 1st, 1906.

CHAPTER XVII.

An act to facilitate the erection of a building or buildings and the obtaining of a site or sites therefor at San Francisco for the use of the officers, commissions, boards and departments of the state government maintaining headquarters in said city, by providing against a deficit in the general fund caused by the appropriation made for said purposes and to provide for the transfer of money to the general fund from the state school land fund to be held in trust as an investment for the support of the common schools of the state of California and to provide for the payment of interest on such investment.

[Approved June 12, 1906.]

State building in San Francisco.

WHEREAS, There has been appropriated under the provisions of the proclamation convening this extra session of the Legislature the sum of five hundred thousand (\$500,000.00) dollars from the general fund of the state treasury for the purchase of a site or sites and the erection, equipment, completion and furnishing of a building or buildings for state purposes in the city of San Francisco, and

WHEREAS, There is need to provide against a deficit in said general fund because of this necessary improvement, and

WHEREAS, There is sufficient money in the state school land fund which remains uninvested to the benefit of the common schools of the state,

Therefore,

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

Transfer of money from state school land fund to general fund.

SECTION 1. The controller is hereby authorized and directed to transfer to the general fund from the state school land fund the sum of five hundred thousand (\$500,000.00) dollars to be held as an investment for the benefit of the common schools of the state, to facilitate the erection of a building or buildings and the obtaining of a site or sites therefor at San Francisco for the use of certain officers, commissions, boards and departments of the state government.

Interest for support of the common schools.

SEC. 2. The State of California hereby agrees to pay and will pay interest upon the said sum of five hundred thousand (\$500,000.00) dollars so entrusted, at the rate of four (4%) per cent. per annum, from the date as provided in section 3 of this act, said interest to be payable semi-annually on the second day of January and July of each and every year for the support of the common schools throughout the state, and the faith of the State of California is hereby pledged for the payment of the interest herein provided.

Appropriation of money to pay interest.

SEC. 3. The sum of twenty thousand (\$20,000.00) dollars annually is hereby appropriated out of any money in the

general fund of the State Treasury not otherwise appropriated to pay the interest as provided in this act, as the same shall fall due and payable; *provided*, the first semi-annual interest hereunder shall be due and payable on the second day of July, 1907.

SEC. 4. The moneys so transferred by section 1 of this act are hereby released from the provisions of section 680 of the Political Code.

Released from provisions of section 680, Political Code.

SEC. 5. This act shall take effect and be in force from and after July 1, 1906.

CHAPTER XVIII.

An act to appropriate four thousand six hundred and five dollars (\$4,605.00) to repay to certain nine hundred and twenty-one corporations five dollars each, for money erroneously collected by the secretary of state as a penalty for the non-payment of the annual license tax prior to the eighth day of August, 1905, said penalty having been erroneously collected between and including the eighth day of August, 1905, and the twelfth day of October, 1905, as appears in the decision of the supreme court in the case of Ukiah Guaranty, etc. Co. vs. Charles F. Curry, secretary of state, San Francisco number 4422.

[Approved June 13, 1906.]

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

SECTION 1. The sum of four thousand six hundred and five dollars (\$4,605.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to repay to certain nine hundred and twenty-one corporations five dollars each, for money erroneously collected by the secretary of state as a penalty for the non-payment of the annual license tax prior to the eighth day of August, nineteen hundred and five, said penalty having been erroneously collected between and including the eighth day of August, nineteen hundred and five, and the twelfth day of October, nineteen hundred and five, as appears in the decision of the supreme court in the case of Ukiah Guaranty, etc., Co. vs. Charles F. Curry, secretary of state, San Francisco, number four thousand four hundred and twenty-two.

Corporations.

Refunding of money to certain corporations, erroneously collected for annual license tax, 1905.

SEC. 2. Upon the presentation of a claim by each of the corporations referred to in section one of this act, duly authenticated by the president or secretary thereof, and approved by the secretary of state, the controller is hereby authorized and directed to draw his warrant in favor of each of the nine hundred and twenty-one corporations in this act referred to, in the sum of five dollars, the names of said corpo-

Claim to be presented to controller.

Approval of.

rations appearing of record in the office of the said controller and in the office of the said secretary of state, and the treasurer of the state is hereby directed to pay such warrants.

Exempt
from
approval
of state
board of
examiners.

SEC. 3 This act shall be exempted from the provisions of section 672 of the Political Code.

SEC. 4. This act shall take effect immediately.

CHAPTER XIX.

An act to amend an act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905, by amending sections one, two, three, four, five, six, seven, eight and nine thereof, and by adding two new sections thereto, to be known as sections 10a and 10b, relating to a license tax upon corporations, and making provision for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof.

[Approved June 13, 1906.]

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

Corpora-
tions.

Amending
act of 1905.

Corpora-
tion not
to do
business
without
state
license.

Annual
license
tax.

When
payable.

When de-
linquent.

SECTION 1. Section one of an act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905, is hereby amended so as to read as follows:

Section 1. No corporation heretofore or hereafter incorporated under the laws of this state, or of any other state, shall do or attempt to do business by virtue of its charter or certificate of incorporation, in this state, without a state license therefor.

SEC. 2. Section two of said act is hereby amended so as to read as follows:

Section 2. It shall be the duty of every corporation incorporated under the laws of this state, and of every foreign corporation now doing business, or which shall hereafter engage in business in this state, to procure annually from the secretary of state a license authorizing the transaction of such business in this state, and shall pay therefor a license tax or fee of twenty dollars, which said license tax or fee shall be due and payable on the first day of July of each and every year to the secretary of state, who shall pay the same into the state treasury. If not paid on or before the hour of four o'clock P. M. of the first day of September next thereafter, the same shall become delinquent and there shall be added thereto, as a penalty for such delinquency, the sum of ten dollars. The license tax or

fee hereby provided authorizes the corporation to transact its business during the year or for any fractional part of such year in which such license tax or fee is paid. "Year," within the meaning of this act, means from and including the first day of July to and including the thirtieth day of June next thereafter.

"Year" includes what.

SEC. 3. Section three of said act is hereby amended so as to read as follows:

Section 3. The secretary of state shall, on or before the fifteenth day of September in each year, report to the governor of the state a list of all corporations which have become delinquent, as provided in section two of this act, and the governor shall forthwith issue his proclamation, declaring under this act that the charters of such delinquent domestic corporations will be forfeited and the right of such foreign corporations to do business in this state will be forfeited unless payment of said license tax, together with the penalty for such delinquency, as hereinbefore provided, be made to the secretary of state on or before the hour of four o'clock p. m. of the thirtieth day of November next following.

Secretary of state to report to governor names of delinquents.

Proclamation by governor.

SEC. 4. Section four of said act is hereby amended so as to read as follows:

Section 4. Said proclamation shall be filed immediately in the office of the secretary of state, and said secretary of state shall immediately cause a copy of said proclamation to be published in one issue of each of two daily newspapers to be selected by the governor.

Filing and publication of proclamation.

SEC. 5. Section five of said act is hereby amended so as to read as follows:

Section 5. At the hour of four o'clock p. m. of the thirtieth day of November each year the charters of all delinquent domestic corporations which have failed to pay the said license tax, together with said penalty for such delinquency, shall be forfeited to the State of California, and the right of all delinquent foreign corporations to do business in this state which have failed to pay said license tax, together with the penalty for such delinquency, shall be likewise forfeited.

Right to do business in this state forfeited.

SEC. 6. Section six of said act is hereby amended so as to read as follows:

Section 6. Any corporation which failed to pay the license tax and penalty required by the act of which this act is amendatory, may between the first day of July, 1906, and the hour of four o'clock p. m. of the first day of September, 1906, pay the said license tax and the penalty, together with the license tax prescribed in section one of this act and any such corporation making such payment shall be relieved from the forfeiture prescribed by the act of which this act is amendatory, and all persons exercising the powers of any such corporation making such payment shall be relieved from the provisions of section nine of said act of which this act is amendatory, and the secretary of state shall immediately after the first day of September, 1906, transmit to the county clerk of each county in this state a list of the corporations so paying

Revival of corporations which failed to pay license tax in 1905.

List of revived corporations to be sent to county clerks.

Name of revived corporation.

pursuant to the provisions of this section, which list shall be by said county clerk filed in his office; *provided*, that in case the name of any corporation which has suffered the forfeiture prescribed by the act of which this act is amendatory, or a name so closely resembling the name of such corporation as will tend to deceive, has been adopted by any other corporation since the date of said forfeiture then said corporation having suffered said forfeiture shall be relieved therefrom pursuant to the terms of this section of this act only upon the adoption by said corporation seeking revivor of a new name, and in such case nothing in this act contained shall be construed as permitting such corporation to be revived or carry on any business under its former name; and such corporation shall have the right to use its former name or take such new name only upon filing an application therefor with the secretary of state and upon the issuing of a certificate to such corporation by the secretary of state setting forth the right of such corporation to take such new name or use its former name as the case may be; *provided, however*, that the secretary of state shall not issue any certificate permitting any corporation to take or use the name of any corporation heretofore organized in this state and which has not suffered the forfeiture prescribed by the act of which this act is amendatory or to make or use a name so closely resembling the name of such corporation heretofore organized in this state, as will tend to deceive. The provisions of title eleven, part three of the Code of Civil Procedure in so far as they conflict with this section of this act are not applicable to corporations seeking revivor under this act.

Name not to resemble one already used.

SEC. 7. Section seven of said act is hereby amended so as to read as follows:

Certain corporations exempt from license tax.

Section 7. All educational, religious, scientific and charitable corporations, and all corporations which are not organized for pecuniary profit, are exempt from the provisions of this act.

SEC. 8. Section eight of said act is hereby amended so as to read as follows:

List of corporations which have forfeited right to do business.

Section 8. On or before the thirty-first day of December of each year the secretary of state shall make a list of all domestic corporations whose charters have been so forfeited and of all foreign corporations whose right to do business in this state has been so forfeited, and shall transmit a certified copy thereof to each county clerk in this state, who shall file the same in his office.

SEC. 9. Section nine of said act is hereby amended so as to read as follows:

Unlawful for delinquent corporation to do business.

Section 9. It shall be unlawful for any corporation, delinquent under this act, either domestic or foreign, which has not paid the license tax or fee, together with the penalty for such delinquency, as in this act prescribed, to exercise the powers of such corporation, or to transact any business in this state, after the thirtieth day of November next following the delinquency. Each and every person who exercises any of the powers of a corporation so delinquent, either

Penalty.

domestic or foreign, which has not paid the license tax, together with the penalty for such delinquency, or who transacts any business for or in behalf of any such corporation, after the thirtieth day of November next following the delinquency, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, and not exceeding one thousand dollars, or by imprisonment in the county jail not less than fifty days nor more than five hundred days, or by both such fine and imprisonment.

A new section is hereby added to this act to be known as section 10a and to read as follows:

Section 10a. In all cases of forfeiture under the provisions of this act, the directors or managers in office of the affairs of any domestic corporation, whose charter may be so forfeited, or of any foreign corporation whose right to do business in this state may be so forfeited, are deemed to be trustees of the corporation and stockholders or members of the corporation whose power or right to do business is forfeited, and have full power to settle the affairs of the corporation and to maintain or defend any action or proceeding then pending in behalf of or against any of said corporations, or to take such legal proceedings as may be necessary to fully settle the affairs of said corporation, and such directors or managers, as such trustees, may be sued in any of the courts of this state by any person having a claim against any of said corporations.

Stock holders to settle affairs of corporation.

A new section is hereby added to this act to be known as section 10b, and to read as follows:

Section 10b. At the time of filing a certified copy of articles of incorporation of any corporation when filed on or between the first day of July and the following first day of December in any year, there shall be paid, in addition to all other fees required by law to be paid to secretary of state, the sum of twenty dollars, which shall be received and license receipt issued in full of the license tax payable under this act, for the then current year.

Corporations formed between July and December to pay license tax for current year.

SEC. 11. This act shall take effect immediately.

CHAPTER XX.

An act making an appropriation to pay any deficiency and other necessary expenses in the appropriation for traveling and contingent expenses of the insurance commissioner for the fifty-seventh and fifty-eighth fiscal years.

[Approved June 14, 1906.]

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

Appropriation.
Contingent expenses of insurance commissioner.

SECTION 1. The sum of three thousand (\$3,000.00) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay any deficiency and other expenses in the appropriation for traveling and contingent expenses of the insurance commissioner's office for the fifty-seventh and fifty-eighth fiscal years.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein named, payable upon proper demand, audited by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER XXI.

An act to provide for certain improvements and repairs at the Mendocino State Hospital and making an appropriation therefor.

[Approved June 14, 1906.]

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

Appropriation.
Repairing, erecting and equipping Mendocino State Hospital buildings.

SECTION 1. The sum of thirty thousand (\$30,000) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the order of the board of managers of the Mendocino State Hospital for the purpose of repairing, erecting and equipping such buildings as may be deemed expedient by the board of managers of said hospital and the state commission in lunacy.

SEC. 2. No moneys herein appropriated shall be expended, except by the authority and in the manner provided for the expenditure of moneys from the contingent fund of such state hospital, as provided in section 2158 of the Political Code.

SEC. 3. The controller is hereby authorized to draw his warrant in favor of the board of managers of said Mendocino State Hospital for the moneys herein made payable and the treasurer is directed to pay the same.

SEC. 4. This act shall take effect immediately.

CHAPTER XXII.

An act to provide for certain improvements and repairs at the Napa State Hospital and making an appropriation therefor.

[Approved June 14, 1906.]

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

SECTION 1. The sum of thirty-five thousand (\$35,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the order of the board of managers of the Napa State Hospital for the purpose of repairing, erecting and equipping such buildings as may be deemed expedient by the board of managers of said hospital and the state commission in lunacy.

Appropriation.

Repairing, erecting and equipping Napa State Hospital buildings.

SEC. 2. No moneys herein appropriated shall be expended, except by the authority and in the manner provided for the expenditure of moneys from the contingent fund of such state hospital, as provided in section 2158 of the Political Code.

SEC. 3. The controller is hereby authorized to draw his warrant in favor of the board of managers of said Napa State Hospital for the moneys herein made payable and the treasurer is directed to pay the same.

SEC. 4. This act shall take effect immediately.

CHAPTER XXIII.

An act to provide for certain improvements and repairs to the California Home for the Care and Training of Feeble-Minded Children making an appropriation therefor.

[Approved June 14, 1906.]

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

SECTION 1. The sum of seventy-two thousand and five hundred (\$72,500) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the order of the board of managers of the California Home for the Care and Training of Feeble-Minded Children for the purpose of repairing, erecting and equipping such buildings as may be deemed expedient by the board of managers of said home and the state commission in lunacy.

Appropriation.

Repairing, erecting and equipping Home for Feeble-Minded Children buildings.

SEC. 2. No moneys herein appropriated shall be expended except by the authority and in the manner provided for the expenditure of moneys from the contingent fund of such state hospital, as provided in section 2158 of the Political Code.

SEC. 3. The controller is hereby authorized to draw his warrant in favor of the board of managers of the California Home for the Care and Training of Feeble-Minded Children, for the moneys herein made payable, and the treasurer is directed to pay the same.

SEC. 4. This act shall take effect immediately.

CHAPTER XXIV.

An act to provide for certain improvements and repairs to the State Normal School at San José and making an appropriation therefor.

[Approved June 14, 1906.]

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

Appropriation.
Repairing, erecting and equipping San José Normal School buildings.

SECTION 1. The sum of twenty-nine thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the order of the board of trustees of the State Normal School at San José for the purpose of repairing, erecting and equipping such buildings as may be deemed expedient by the board of trustees of said school and the state board of examiners.

SEC. 2. All plans, descriptions, bills of material, specifications and estimates necessary, requisite, proper or convenient for any of the purposes aforesaid shall receive the sanction of a majority of the trustees of the State Normal School at San José and of the state board of examiners. And this act shall be exempt from the provisions of the act of the legislature approved March 23, 1876, relating to erections of buildings, and all other acts supplemental or amendatory thereto.

SEC. 3. The controller of state is hereby directed to draw his warrants in favor of the said board of trustees of the State Normal School at San José in the amount herein appropriated and the state treasurer is hereby directed to pay the same.

SEC. 4. This act shall take effect immediately.

CHAPTER XXV.

An act to provide for certain improvements and repairs at the Agnews State Hospital and making an appropriation therefor.

[Approved June 14, 1906.]

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

SECTION 1. The sum of twenty-five thousand (\$25,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the order of the board of managers of the Agnews State Hospital for the purpose of repairing, erecting and equipping such buildings as may be deemed expedient by the board of managers of said hospital and the state commission in lunacy.

Appropriation.

Repairing, erecting and equipping Agnews State Hospital buildings.

SEC. 2. No moneys herein appropriated shall be expended, except by the authority and in the manner provided for the expenditure of moneys from the contingent fund of such state hospital, as provided in section 2158 of the Political Code.

SEC. 3. The controller is hereby authorized to draw his warrant in favor of the board of managers of said Agnews State Hospital for the moneys herein made payable and the treasurer is directed to pay the same.

SEC. 4. This act shall take effect immediately.

CHAPTER XXVI.

An act making an appropriation for the contingent expenses of the office of the attorney-general.

[Approved June 14, 1906.]

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

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the contingent expenses of the attorney-general's office.

Appropriation.

Contingent expenses of attorney general.

SEC. 2. The controller is hereby authorized to draw his warrant on the state treasurer for the amount hereby appropriated, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER XXVII.

An act to extend the time for filing with the insurance commissioner statements of insurance business transacted during the year ending December 31, 1905, within the time prescribed by law, and to remit penalties for failing to file the same.

[Approved June 14, 1906.]

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

Insurance. SECTION 1. Every corporation or person doing the business of insurance in this state, and organized under the laws of any country foreign to the United States, must file with the insurance commissioner on or before the 31st day of July, 1906, a statement which must exhibit the condition and affairs of such corporation, person, firm or association on the 31st day of December next preceding.

Extension of time for foreign companies to make statement. SEC. 2. Except as provided in the preceding section of this act, each such statement shall conform to the provisions of sections 610, 611, 612 and 613 of the Political Code of this state.

Penalties remitted, when. SEC. 3. On the filing with the insurance commissioner of such statement on or before said 31st day of July, 1906, the penalties prescribed by section 617 of the Political Code of the State of California shall be and the same are hereby remitted.

SEC. 4. This act shall take effect immediately.

CHAPTER XXVIII.

An act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the extra session of the thirty-sixth legislature, and directing the state controller and state treasurer to make such transfer.

[Approved June 14, 1906.]

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

Printing fund for legislative printing. SECTION 1. The sum of eight thousand four hundred dollars is hereby transferred from the general fund to the state printing fund to defray the printing expenses of the extra session of the thirty-sixth legislature.

SEC. 2. The state controller and state treasurer are hereby directed to make said transfer in conformity with section one of this act.

SEC. 3. This act shall take effect immediately.

CHAPTER XXIX.

An act to amend section six hundred and thirty of the Political Code, relating to the contingent expenses of the insurance commissioner.

[Approved June 14, 1906.]

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

SECTION 1. Section six hundred and thirty of the Political Code is hereby amended to read as follows: Insurance commissioner.

630. The commissioner may procure suitable rooms for his offices and may provide a suitable safe and furniture therefor. He may also provide stationery, fuel, printing and other conveniences necessary for the transaction of the business of his office. Out of the funds paid into the state treasury by the insurance commissioner, there shall be set aside and reserved each and every year the sum of five thousand dollars as a special fund to be called the insurance commissioner's special fund. All expenditures authorized in this section must be audited by the board of examiners, who must allow the same and direct payment thereof to be made, and the controller shall draw warrants therefor on the state treasury for the payment of the same to the insurance commissioner out of the said insurance commissioner's special fund. Office of.
Expenses of.

SEC. 2. This act shall take effect and be in force from and after July 1, 1906.

CHAPTER XXX.

An act to appropriate the sum of eighty-three thousand, eight hundred (\$83,800.00) dollars for the use and benefit of the University of California, and specifying the duties of the controller and treasurer in relation thereto.

[Approved June 14, 1906.]

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

SECTION 1. The sum of eighty-three thousand, eight hundred (\$83,800.00) dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to replace and restore income of the University of California lost through disaster and fire, and to be expended by the Regents of the University of California in restoring and replacing damaged buildings of the University of California, and in providing buildings and equipment on property belonging to Appropriation.
Restoration of income of the University of California.

the university for the use and accommodation of the students of the university, and for the cost of necessary maintenance of the departments of the University of California.

SEC. 2. The controller is hereby authorized and directed to draw his warrants for the same payable to the order of the treasurer of the University of California, and the treasurer of state is hereby directed to pay such warrants.

SEC. 3. This act is exempted from the provisions of section six hundred and seventy-two of the Political Code.

CHAPTER XXXI.

An act making an appropriation for the purchase of law books for the attorney-general.

[Approved June 14, 1906.]

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

Appropriation.
Law books for attorney-general.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purchase of law books for the office of the attorney-general.

SEC. 2. The controller is hereby authorized to draw his warrant on the state treasury for the amount hereby appropriated, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER XXXII.

An act to amend section sixteen hundred and seventeen of the Political Code, relating to public schools.

[Approved June 14, 1906.]

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

Public schools.

SECTION 1. Section sixteen hundred and seventeen of the Political Code is hereby amended to read as follows:

Powers and duties of trustees.

1617. The powers and duties of trustees of school districts, and of boards of education in cities, are as follows:

Prescribe and enforce rules.

First. To prescribe and enforce rules, not inconsistent with law or those prescribed by the state board of education, for their own government and government of schools, and to transact their business at regular or special meetings, called for such purpose, notice of which shall be given each member.

Second. To manage and control the school property within their districts, and to pay all moneys collected by them, from any source whatever, for school purposes, into the county treasury, to be placed to the credit of the special fund of their districts.

Manage and control school property.

Third. To purchase text-books of the state series for the use of pupils whose parents are unable to purchase them, school furniture, including organs and pianos, and apparatus, and such other things as may be necessary for the use of schools; *provided*, that except in incorporated cities having boards of education, they purchase such books and apparatus only as have been adopted by the county board of education.

Purchase text-books for pupils.

Fourth. To rent, furnish, repair, and insure the school property of their respective districts.

Rent, etc., and insure school property.

Fifth. When directed by a vote of their districts to build schoolhouses or to purchase or sell school lots.

Build schoolhouses.

Sixth. To make, in the name of the district, conveyances on all property belonging to the district, and sold by them.

Seventh. To employ the teachers, and, excepting in incorporated cities having boards of education, immediately notify the superintendent of schools, in writing, of such employment, naming the grade of certificate held by the teachers employed; also, to employ janitors and other employés of the schools; to fix and order paid their compensation, unless the same be otherwise prescribed by law; *provided*, that no board of trustees shall enter into any contract with such employés to extend beyond the thirtieth day of June next ensuing.

Employ teachers.

Eighth. To suspend and expel pupils for misconduct.

Ninth. To exclude from schools children under six years of age; *provided*, that in cities and towns in which the kindergarten has been adopted, or may hereafter be adopted, as a part of the public primary schools, children may be admitted to such kindergarten classes at the age of four years.

Exclude children under six years of age.

Tenth. To enforce in schools the course of study and the use of text-books prescribed and adopted by the proper authority.

Enforce course of study.

Eleventh. To appoint district librarians, and enforce the rules prescribed for the government of district libraries.

Appoint librarians.

Twelfth. To exclude from school and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

Exclude certain books.

Thirteenth. To furnish books for the children of parents unable to purchase them; the books so furnished to belong to the school district, and to be kept in the district school library when not in use.

Furnish books to certain children.

Fourteenth. To keep a register, open to the inspection of the public, of all children applying for admission and entitled to be admitted into the public schools, and to notify the parents or guardians of such children when vacancies occur, and receive such children into the schools in the order in which they are registered.

Keep register.

Fifteenth. To permit children from other districts to attend the schools of their district only upon the consent of the

Permit children to attend school in other districts.

trustees of the district in which such children reside; *provided*, that, should the trustees of the district in which children whose parents or guardians desire them to attend in other districts reside, refuse to grant their consent, the parents or guardians of such children may appeal to the county superintendent and his decision shall be final.

Provide for school census.

Sixteenth. On or before the first day of April in each year, to appoint a school census marshal, and notify the superintendent of schools thereof; *provided*, that in any city, or city and county, the appointment of all school census marshals shall be subject to the approval of the city superintendent of schools.

Annual report.

Seventeenth. To make an annual report, on or before the first day of July, to the superintendent of schools, in the manner and form and on the blanks prescribed by the superintendent of public instruction.

Report of text-books used.

Eighteenth. To make a report, whenever required, directly to the superintendent of public instruction, of the text-books used in their schools.

Visit schools.

Nineteenth. To visit every school in their district at least once in each term, and examine carefully into its management, condition and wants. This clause to apply to each and every member of the board of trustees.

Petition for change of location of school-house.

Twentieth. Boards of trustees may, and upon a petition signed by a majority of the heads of families resident in the district as shown by the last preceding school census must, call meetings of the qualified electors of the district for determining or changing the location of the schoolhouse, or for consultation in regard to any litigation in which the district may be engaged, or be likely to become engaged, or in regard to any affairs of the district. Such meetings shall be called by posting three notices in public places, one of which shall be in a conspicuous place on the schoolhouse, for not less than ten days previous to the time for which the meeting shall be called, which notices shall specify the purposes for which said meeting shall be called; and no other business shall be transacted at such meetings. District meetings shall be organized by choosing a chairman from the electors present, and the district clerk shall be clerk of the meeting, and shall enter the minutes thereof on the records of the district. A meeting so called shall be competent to instruct the board of trustees:

Location of school-houses.

1. In regard to the location or change of location of the schoolhouse, or the use of the same for other than school purposes; *provided*, that in no case shall the schoolhouse be used for purposes which necessitate the removal of any school desks or other school furniture.

Sale and purchase of school sites.

2. In regard to the sale and purchase of school sites.

Prosecuting any litigation.

3. In regard to prosecuting, settling, or compromising any litigation in which the district may be engaged, or be likely to become engaged, and may vote money, not exceeding one hundred dollars in any one year, for any of these purposes in addition to any amount which may be raised by the sale of district school property, and the insurance of property de-

stroyed by fire ; *provided*, that the proceeds of the insurance of the library and apparatus shall be paid into the library fund. All funds raised by the sale of school property may be disposed of by direction of a district meeting. District meetings may be adjourned from time to time, as found necessary, and all votes instructing the board of trustees shall be taken by ballot, or by ayes and noes vote, as the meeting may determine. The board of trustees shall, in all cases, be bound by the instructions of the district meeting in regard to the subjects mentioned in this section ; *provided*, that the vote in favor of changing the location of the schoolhouse be two thirds of all the electors voting at said meeting upon the proposition to change the location.

Twenty-first. Without the vote of the district to prosecute or compromise any litigation, claims, demands and causes of action arising from the destruction, partial or total, of any school building in the course of construction during the month of April, A. D., one thousand nine hundred and six, in which the district is or shall hereafter be engaged, and devote money for any of these purposes.

Prosecuting any litigation.

SEC. 2. This act shall take effect immediately.

CHAPTER XXXIII.

An act to add a new section to the Code of Civil Procedure, to be known as section nine hundred and one a, relating to executions issuing out of justices' courts.

[Approved June 14, 1906.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be known as section nine hundred and one a, and to read as follows:

Justices' courts.

901a. The court, or any justice thereof, may stay the execution of any judgment, including any judgment in a case of forcible entry or unlawful detainer, for a period not exceeding ten days.

Stay of execution of judgment.

SEC. 2. This act shall take effect immediately.

CHAPTER XXXIV.

An act to amend section sixteen hundred and thirty-six of the Political Code of the State of California, relating to school census.

[Approved June 14, 1906.]

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

School census.

Report of, made under oath.

Report must show.

Superintendent of schools may correct.

When by reason of conflagration it is impossible to take.

SECTION 1. Section sixteen hundred and thirty-six of the Political Code is hereby amended to read as follows:

1636. His report must be made under oath, upon blanks furnished by the superintendent of public instruction, and must show:

First. The number, age, sex, color, name and nationality of the children listed, and the number of those who from deafness are unable to hear common conversation.

Second. The names of the parents or guardians of said children, arranged alphabetically, except in cities of the first class. In all cities the number and street of residence must be given.

Third. The number of school children in each house, or family, that have not been vaccinated.

Fourth. Such other facts as the superintendent of public instruction may designate.

Fifth. The census marshal shall have power to administer oaths to parents and guardians.

Sixth. If at any time the superintendent of schools has reason to believe that a correct census of the district has not been taken, he must have it corrected, and if necessary for the purpose he may appoint a census marshal, and have the census of the district retaken. Should the board of education or the board of school trustees of said city or district fail or refuse to issue an order for the compensation of said marshal for his services, the superintendent of schools is hereby authorized to issue his requisition therefor against the county fund of such city or district without such order.

Seventh. Whenever, by reason of conflagration or other public calamity, it shall be, or has been, impossible or impracticable in any city, city and county, or school district to take or make between the fifteenth and thirtieth days of April, inclusive, a census of all children between the ages of five and seventeen years, as provided in Part III. of this code, the superintendent of schools shall, as a substitute for such census, use the school census of such city, city and county, or school district of the next preceding school year, adding thereto or deducting therefrom the percentage of average annual loss or gain in the number of children of census age within such city, city and county, or school district, ascertained from an inspection and examination of the school census record for the preceding ten years in said city, city

and county, or school district, and such census when so prepared shall be conclusive on all school authorities.

SEC. 2. This act shall take effect immediately.

CHAPTER XXXV.

An act to add a new section to the Political Code of the State of California to be known as section 1696a relating to substitution for school records or contents of school teachers' registers which may have been or shall hereafter be destroyed by conflagration or other public calamity, and providing for the count of average daily attendance in certain high schools and school districts.

[Approved June 14, 1906.]

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

SECTION 1. A new section is hereby added to the Political Code to be known as section 1696a and to read as follows:

1696a. Whenever the school register or registers of any teacher or teachers or other records of any public school district in any school year may have been or shall hereafter be destroyed by conflagration or other public calamity, thereby preventing the teacher or teachers and school officers from making their monthly or annual reports in the usual manner and with accuracy the affidavits of the teacher or teachers, the school principals or other school officers of such school district certifying as to the contents of such destroyed registers or other records shall be accepted by all authorities for all school matters appertaining to such school district except that of average daily attendance. The average daily school attendance of any public school district or high school whereof the register or registers of the teacher or teachers or any number of them or other records may have been or shall hereafter be destroyed by conflagration or other public calamity, or whereof, by reason of such conflagration or calamity the regular session or attendance of such district or high school has been interrupted and its average attendance materially affected thereby, shall be its average daily attendance of the next preceding school year increased or diminished by the average yearly percentage of increase or decrease calculated for the next preceding ten years; *provided* that the average daily attendance of such school district or high school for the school year ending June 30, 1906, shall be its average daily attendance for the school year ending June 30, 1905, with five per cent. (5%) thereof as increase added thereto.

Public schools.

Register of teachers when destroyed, how substituted.

Records of average daily attendance when destroyed, how ascertained.

SEC. 2. This act shall take effect immediately.

CHAPTER XXXVI.

An act to provide for the reconstruction and repair by the board of state harbor commissioners of the damaged property of the State of California situated on the waterfront of the city and county of San Francisco, and making an appropriation therefor.

[Approved June 14, 1906.]

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

Appropriation.

Repair and reconstruction of state property on waterfront in San Francisco.

SECTION 1. The board of state harbor commissioners are hereby authorized and empowered in the manner and method authorized by law to reconstruct and repair the damaged property of the State of California, situated on the waterfront of the city and county of San Francisco.

SEC. 2. There is hereby appropriated, for said purposes, out of any moneys in the state treasury, not otherwise appropriated, the sum of one hundred thousand (100,000.00) dollars, and the state controller and the state treasurer are hereby directed to transfer said sum from the general fund to the San Francisco harbor improvement fund.

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

CHAPTER XXXVII.

An act to amend section twenty-five hundred and twenty-eight of the Political Code of the State of California, relating to disposition of moneys collected by the board of state harbor commissioners.

[Approved June 14, 1906.]

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

SECTION 1. Section twenty-five hundred and twenty-eight of the Political Code is hereby amended to read as follows:

2528. All moneys collected shall be paid into the state treasury, and be credited to the San Francisco harbor improvement fund, at least once in each month, except so much thereof as may be necessary to pay the salaries of officers, office rent, cost of office furniture, books, stationery, lights, fuel, expense of dredging, expense of pile-driving and piles, expense of preserving piles and timber, cleaning the wharves and bulkheads, legal and other incidental expenses, and in addition ten thousand dollars per month for urgent repairs, which last sum, if so much be required, may be used in repairing the wharves, piers, landings, thoroughfares, sheds and

State harbor commissioners.

Disposition of moneys collected by.

other structures, and the streets bounding on the waterfront under the jurisdiction of the board without advertising for proposals therefor. Such moneys may be remitted to the state treasurer by express.

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

CHAPTER XXXVIII.

An act appropriating twenty-five hundred (\$2500) dollars to enable the California State Board of Pharmacy to restore certain property and records destroyed by fire which said property and records are necessary for the business of the California State Board of Pharmacy.

[Approved June 14, 1906.]

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

SECTION 1. There is hereby appropriated for the California State Board of Pharmacy out of any money in the state treasury not otherwise appropriated, the sum of twenty-five hundred (\$2500) dollars to enable the California State Board of Pharmacy to restore certain records and property destroyed by fire, which said records and property are necessary for the business of the California State Board of Pharmacy.

Appropriation.
Restoration of records of State Board of Pharmacy.

SEC. 2. The state controller is hereby directed to draw his warrant for the sum in this act appropriated in favor of the California State Board of Pharmacy upon their requisition for the same and the state treasurer is hereby directed to pay said warrant.

SEC. 3. This act shall take effect immediately.

CHAPTER XXXIX.

An act appropriating twenty-five hundred (\$2500) dollars to enable the Board of Medical Examiners of the State of California to restore certain property and records destroyed by fire which said property and records are necessary for the business of the office of the Board of Medical Examiners of the State of California.

[Approved June 14, 1906.]

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

SECTION 1. There is hereby appropriated for the office of the Board of Medical Examiners of the State of California out of any money in the state treasury not otherwise appropriated, the sum of twenty-five hundred (\$2500) dollars to

Appropriation.

Restoration of records of State Board of Medical Examiners.

enable the Board of Medical Examiners of the State of California to restore certain records and property destroyed by fire, which said records and property are necessary for the business of the Board of Medical Examiners of the State of California.

SEC. 2. The state controller is hereby directed to draw his warrant for the sum in this act appropriated in favor of the Board of Medical Examiners of the State of California upon their requisition for the same and the state treasurer is hereby directed to pay said warrant.

SEC. 3. This act shall take effect immediately.

CHAPTER XL.

An act making an appropriation to pay the claim of the board of education of the city and county of San Francisco against the State of California.

[Approved June 14, 1906.]

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

Appropriation.

Claim of board of education of San Francisco.

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of the board of education of the city and county of San Francisco against the State of California.

SEC. 2. The controller is hereby directed to draw his warrant in favor of said board of education of the city and county of San Francisco for the sum of twenty-five thousand dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER XLI.

An act making an appropriation to provide for a deficiency in the postage, expressage, telegraphing, traveling and contingent fund of the governor's office for the fifty-seventh fiscal year.

[Approved June 14, 1906.]

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

Appropriation.

Deficiency in governor's fund for postage, expressage, etc

SECTION 1. The sum of five hundred (\$500.00) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to provide for a deficiency in the postage, expressage, telegraphing, traveling and contingent expenses of the governor's office for the fifty-seventh fiscal year.

SEC. 2. The controller is hereby authorized to draw his warrant for the said sum and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER XLII.

An act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the governor in the months of April, May and June, 1906.

[Approved June 14, 1906.]

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

SECTION 1. The sum of four hundred thousand dollars (\$400,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the governor in the months of April, May and June, 1906; said money to be available July 1st, 1907. Said claims to be audited by the adjutant general before being paid.

Appropriation.
Services of
National
Guard and
University
Cadets.

SEC. 2. The controller is hereby directed to draw his warrant in payment of said claims in favor of the person or persons designated by the adjutant general, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER XLIII.

An act to amend an act entitled "An act creating a fund for the benefit and support of high schools and providing for its distribution, and repealing an act entitled 'An act creating a fund for the benefit and support of high schools and providing for its distribution,' approved March 2, 1903," approved March 6, 1905, by amending section five thereof, relating to the appropriation of said fund.

[Approved June 14, 1906.]

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

SECTION 1. Section five of "An act creating a fund for the benefit and support of high schools and providing for its distribution, and repealing an act entitled 'An act creating a fund for the benefit and support of high schools and providing for

High
schools.

its distribution,' approved March 2, 1903," approved March 6, 1905, is hereby amended to read as follows:

Apportionment of fund.

Section 5. The money in said state high school fund shall be apportioned to the high schools of the state by the state superintendent of public instruction in the following manner: He shall apportion one third of the annual amount among the county, district, city, union, or joint union high schools of the state, irrespective of the number of pupils enrolled or in average daily attendance therein, except as hereinafter provided; the remaining two thirds of the annual amount he shall apportion among such schools pro rata upon the basis of average daily attendance as shown by the official reports of the county, or city and county school superintendents for the last preceding school year; *provided*, that such high schools have been organized under the law of the state, or have been recognized as existing under the high school laws of the state and have maintained the grade of instruction required by law of the high schools; *and provided*, that no school shall be eligible to a share of said state high school fund that has not during the last preceding school year employed at least two regularly certificated high school teachers for a period of not less than one hundred and eighty days with not less than twenty pupils in average daily attendance for such length of time, except in newly established high schools wherein the minimum average daily attendance for the first year of one hundred and eighty days may be but twelve pupils and but one teacher, *and provided*, that before receiving state aid, each school shall furnish satisfactory evidence to the superintendent of public instruction of the possession of a reasonably good equipment of building, laboratory, and library, and of having maintained, during the preceding school year, proper high school instruction for a term of at least one hundred and eighty days; *provided further*, that the foregoing provisions relating to the average daily attendance and the number of teachers employed shall not apply in any case where by reason of conflagration or other public calamity it shall be, or has been, impossible or impracticable to have or to hold school in any school or school district so affected, for a period of one hundred and eighty days or to have an average daily attendance of not less than twenty pupils.

Schools not eligible to share in apportionment.

Equipment of building necessary.

Average daily attendance not to apply where by reason of conflagration school is closed.

SEC. 2. This act shall take effect immediately.

CHAPTER XLIV.

An act to amend an act entitled "An act to amend section one of an act entitled 'An act requiring the payment into the state treasury of all moneys belonging to the state, received by the various state institutions, commissions and officers, and directing the disposition of the same,' approved March seventeenth, eighteen hundred and ninety-nine," approved March 20, 1905.

[Approved June 14, 1906.]

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

SECTION 1. Section one of the said act is hereby amended so, as to read as follows:

Section 1. All moneys belonging to the state received from any source whatever by any officer, commission or commissioner, board of trustees, board of managers or board of directors shall be accounted for at the close of each month to the state controller, in such form as the controller may prescribe, and at the same time, on the order of the controller, be paid into the state treasury; *provided*, in the case of any state hospital, asylum, prison, school or harbor, supported by or under control of the state said money shall be credited to a fund to be known as the contingent fund of the particular institution from which such money is received, and may be expended under the same laws and provisions that govern the expenditure of money appropriated for the support of such institutions, *and provided*, that in every case where the law directs the board of trustees, managers or directors, or officer to refund any money upon the death or discharge of any inmate of said hospital, asylum, prison, school or other institution, or to provide a discharged inmate with any sum of money or with wearing apparel, such amount of money necessary shall be paid by the board of trustees, managers or directors or officer, upon demand; and in the statement to the controller herein provided for, these amounts shall be itemized and the aggregate deducted from the amount to be paid into the state treasury; *provided, further*, that all money collected by boards of harbor commissioners shall be paid into the harbor improvement fund of the respective harbor where collected, except so much thereof as may be necessary to pay the expense of urgent repairs, not to exceed in the aggregate ten thousand dollars per month, which sum, if so much be required, may be used in repairing the wharves, piers, landings, thoroughfares, sheds, and other structures, and the streets bounding on the waterfront under the jurisdiction of such board of harbor commissioners, without advertising the proposals therefor.

Moneys belonging to the state to be paid into the treasury.

Credited to certain funds

Exceptions.

Exceptions.

Sec. 2. This act shall take effect immediately.

CHAPTER XLV.

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

[Approved June 14, 1906.]

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 of the Political Code is hereby amended to read as follows:

State
harbor
commis-
sioners.

To have
control of
portion of
the bay
of San
Francisco.

Bounda-
ries.

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 purposes in this article provided (excepting such parcels thereof as are held by the lessees, or their assigns, 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 westerly line of East street; thence southerly along the westerly line 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 the 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 waterfront 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

Boundaries.

Boundaries.

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; then 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 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 a 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

Construction of seawall at certain points.

Collection of dockage, etc.

Use of certain streets.

thoroughfares; and authority to rent an office in the city and county of San Francisco, between Montgomery, Market, and Pacific street 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. 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 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 such 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

Office of.

Rates of dockage, etc.

Construction of wharves.

Erect improvements.

Purchase of pile-drivers and necessary machinery.

Size of slip or dock.

Works for preserving piles and timber.

Advertise for bids for construction of wharves, etc.

Bond of bidder.

Failure to give bond.

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 it is 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 embankment 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 watercraft 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. All classes of watercraft 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 the commissioners such rates of dockage as shall be fixed by authority of this article; and all such watercraft 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 watercraft 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

Advertisement to contain description of work.

Specifications.

Bids to be opened and contract awarded to lowest bidder.

Rejection of bids.

Construction of seawall.

Dredging of slips and docks.

Purchase or construction of dredging machines, tugs, etc.

Deposit of sand or mud.

Rates of dockage.

Charge for wharfage a lien upon goods landed.

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 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 watercraft 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

Rules of commissioners.

Publication of rules and rates.

Rules.

Goods remaining on wharf more than twenty-four hours.

Landings for exclusive use of federal government.

Set apart locality for use of harbor police and quarantine officers.

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 commission 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, swine; and when such places have been assigned, it shall be a misdemeanor for a commander of any watercraft to land any greater number than ten at any one time from any watercraft 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 structures 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, cranage, or toll within the boundaries of the premises de-

Landings for ferry boats.

Landings for fishermen.

Rates.

Landings for livestock.

Portion set apart for dry docks.

Permission to land must be obtained from commissioners

scribed 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. 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; *provided* that nothing herein shall apply to or restrict the use of any premises leased for terminal facilities under or by reason of an act of the Legislature entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to amend section six of an act entitled 'An act concerning the waterfront of the city and county of San Francisco,' approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the board of state harbor commissioners,' approved March seventeenth, eighteen hundred and eighty,' approved March nineteenth, eighteen hundred and eighty-nine, conferring further powers upon said board," approved March twenty-six, eighteen hundred and ninety-five, and which has not been declared forfeited by the board of harbor commissioners; 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 obstructions 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 substance, whether loose, or built upon, or fixed to any such 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 obstruction 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

Railroad tracks may be laid along waterfront.

Special privileges not to be granted.

Terminal facilities.

Obstructions in the bay or upon the wharves not allowed.

Railroads,
how con-
structed.

Increase of
rates of
dockage,
etc.

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. 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. *Provided, nevertheless,* that nothing in this section contained shall be construed to prevent the board of state harbor commissioners, the governor of California, and the mayor of the city and county of San Francisco acting together from increasing the rates of dockage, wharfage, cranage, tolls and rents during the period expiring the twenty-eighth day of February A. D. 1907, to such an amount as they may deem proper and necessary.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

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

CHAPTER XLVI.

An act to amend section 954 of the Code of Civil Procedure relating to bonds on appeal.

[Approved June 14, 1906.]

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

Appeals.

SECTION 1. Section 954 of the Code of Civil Procedure is hereby amended so as to read as follows:

Bonds on
appeal.

954. *When an appeal may be dismissed. When not.* If the appellant fails to furnish the requisite papers, the appeal may be dismissed; but no appeal can be dismissed for insufficiency of the undertaking thereon, if a good and sufficient undertaking, approved by a justice of the supreme court, be filed in the supreme court before the hearing upon motion to dismiss the appeal. When it is made to appear to the satisfaction of the court, or a judge thereof, from which the appeal was taken, that a surety or sureties upon an appeal bond from any cause has or have become insufficient, and the bond or undertaking inadequate as security for the payment of the judgment appealed from, or that the bond has been lost or destroyed, the last named court, or a judge thereof, may

When
bond has
been lost or
destroyed.

order the giving of a new bond with sufficient sureties, as a condition to the maintenance of the appeal. The said bond or undertaking shall be approved by the last-named court, or a judge thereof; and in case said sureties fail to justify before said last-named court, or a judge thereof, or fail to comply with the order to appear and justify, execution may issue upon the judgment as if no undertaking to stay execution had been given.

SEC. 2. This act shall be enforced from and after its passage.

CHAPTER XLVII.

An act to add a new section to the Political Code of California, to be known as section eighteen hundred and ninety-two, relating to the issuance of teachers' certificates, lost or destroyed by conflagration or other public calamity.

[Approved June 14, 1906.]

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

SECTION 1. A new section, to be known as section eighteen hundred and ninety-two, is hereby added to the Political Code of California, to read as follows: Teachers' certificates.

1892. Whenever satisfactory proof is presented to a county or city and county board of education by a teacher to whom such board has heretofore granted a certificate, in accordance with law, that such certificate has been destroyed by conflagration or other public calamity, such board shall, without fee, issue to such teacher, in lieu of the certificate lost or destroyed a new certificate of the same kind, grade, character and tenure of the certificate originally granted. Such proof shall consist of an affidavit by said teacher, giving the grade of such certificate, the date of issue if possible, and upon what it was issued; accompanied by a statement from the county or city and county school superintendent to the effect that such teacher had, in pursuance of the requirements of section 1696 of the Political Code, filed his certificate for record with such official. Said proof of loss or destruction of a certificate shall be a credential upon which a county or city and county school superintendent may issue a temporary certificate, in accordance with the provisions of Sub. 7th of section 1543 of the Political Code. Restoration of those lost or destroyed.

SEC. 2. This act shall take effect immediately.

CHAPTER XLVIII.

An act to amend section 1670 of the Political Code, relating to the organization and establishment of high schools, and the powers of boards of education or boards of school trustees in issuing bonds.

[Approved June 14, 1906.]

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

High schools.

Establishment of.

Petition for establishing.

Election.

Time and manner of holding election.

Form of ballot.

Union high school districts.

SECTION 1. Section 1670 of the Political Code is hereby amended as follows:

§ 1670. First. Any city, incorporated town, or school district accredited by the last preceding school census with a school population of three hundred or more, may, by a majority vote of the qualified electors voting at the election held for the purpose of determining the establishment and maintenance of such high school, establish and maintain a high school at the expense of such city, incorporated town, or school district.

Second. Whenever heads of families equal in number to a majority of the number of heads of families as shown by the last preceding school census, in any city, incorporated town, or school district, accredited by the last preceding school census with a school population of three hundred or more, shall unite in a petition to the board of education or board of school trustees of said city, incorporated town, or school district, for the establishing and maintaining of a high school therein, said board of education or board of school trustees shall petition the county superintendent of schools to call an election in said city, incorporated town, or school district, for the determination of the question.

Third. Within twenty days after receiving said petition from said board of education or board of school trustees, the county superintendent of schools shall call an election therein for the determination of the question, and shall appoint three qualified electors thereof to conduct said election. Said election shall be called by posting notice thereof in five of the most public places in said city, incorporated town, or school district, and by publication in a daily or weekly paper therein, if there be one, for not less than fifteen days. Said election shall be conducted in the manner prescribed for conducting school elections. The ballots at such elections shall contain the words "For high school," and the voter shall write or print after said words on his ballot the word "Yes" or the word "No." It shall be the duty of said election officers to report the result of said election to the county superintendent of schools within ten days subsequent to the holding thereof.

Fourth. When the heads of families equal in number to a majority in each district, as shown by the last preceding school

census, residing in two or more contiguous school districts in the same county (*provided*, that said districts are accredited by said school census with a school population of three hundred or more), shall unite in a petition to the county superintendent of schools for the establishing and maintaining of a union high school district, he shall, within twenty days after receiving said petition, call an election for the determination of the question and shall appoint three qualified electors in each of the districts petitioning to conduct the election therein. Any head of family residing within the district at the date of petition shall be a competent signer to such petition, whether he shall or shall not have been listed as the head of a family resident in such district at the last preceding school census; and his signature to such petition shall have the same force and effect as if the name of such petitioner had appeared as that of the head of a family in the last preceding school census of such district; *provided*, that the superintendent of schools may require such petitioner, or another person for him, to certify under oath that the petitioner is the head of a family residing in the district. Said election shall be held separately and simultaneously at the public schoolhouse in each of the districts petitioning, and shall be called by posting notices thereof in three of the most public places in each district, one of which places shall be the public schoolhouse in each district, at least ten days before said election. Said election shall be conducted by the officers appointed for that purpose, in the manner provided by law for conducting school elections. The ballots at such election in each district shall contain the words "For the union high school," and the voter shall write or print after said words on his ballot the word "Yes," or the word "No." It shall be the duty of the said election officers in each district to canvass the vote at said election, and report the result to the county superintendent of schools within five days subsequent to the holding of said election.

Petition.

Election.

Time and manner of holding election.

Form of ballot.

Within ten days after receiving the returns of said election, the superintendent of schools shall combine the votes "for" and "against" the establishment of the high school district and declare such result by filing a certificate thereof with the county clerk of the county, which certificate shall show the total number of votes cast in each district in which said election is held, in favor of the high school, the total number of votes in each district against the high school, and the aggregate result of said election. It shall also be his duty to record, in a book kept by him for that purpose, the facts set forth in the certificate herein mentioned.

Superintendent of schools to declare result.

Fifth. If a majority of the votes cast in the election provided for in subdivision three of this section in said city, incorporated town, or school district, shall be in favor of establishing and maintaining a high school therein, it shall be the duty of the county superintendent to call a meeting of the board of education or board of school trustees of said city, incorporated town, or school district, within fifteen days after receiving the returns of the election held therein, by giving at

Duty of superintendent of schools.

Board of education to determine location of high school.

Duty of superintendent of schools

Location of union high school.

Election to determine location of union high school.

Location not to be changed, except.

least ten days' notice, in writing, to every member of said board of education or board of school trustees. The board of education or board of school trustees shall, at said meeting, determine the location and the name of the high school.

Sixth. If a majority of the votes cast in the districts petitioning for a union high school shall in the aggregate be in favor of establishing and maintaining a union high school therein, the county superintendent shall, within fifteen days after receiving the returns of the election held therein, direct the board of school trustees in each of said districts to call a meeting of the qualified electors of their respective districts, in the manner provided in subdivision twenty of section sixteen hundred and seventeen of the Political Code. At said meeting the qualified electors shall in each district select one representative, whose powers and duties shall be as herein-after specified. The representatives so chosen shall name the school; they shall thereafter notify the county superintendent of schools that they desire to meet to locate the school. The representatives so chosen shall meet in conjunction with the county superintendent of schools, at a time and place to be named by the superintendent, for the purpose of determining the location of the union high school. At such meeting the superintendent shall be the chairman, and shall be entitled to vote and participate in all its proceedings. Should the above representatives fail to unanimously agree upon a location for the high school, they shall propose, in writing, to the county superintendent then present, or if he is not present, they shall transmit to his office within ten days the names of the locations which they favor. Within twenty days after receiving such notice, the superintendent shall call an election as provided in subdivision fourth hereof, to determine the location of the high school. At such election only such sites as have been named by the representatives and certified to the county superintendent shall be voted upon. Any form of ballot by which the voter signifies his choice of location shall be allowed. The result of said election shall be determined and certified to the county superintendent, as provided in said subdivision fourth. The location which receives the largest number of votes shall be chosen as the location of the high school. The representatives shall have power to make arrangements for the temporary location of the high school, and if satisfactory apartments or buildings in a suitable location are offered or can be procured for a consideration or at a rental which would make it advisable to accept the same, they shall have the power to secure or lease such apartments or building for a period not to exceed three years from the date of its acceptance. No change of location of any high school, when once established, shall be made except upon a petition to the county superintendent of schools, signed by two thirds of the heads of families of the high school district, and then only in accordance with all of the provisions for the original location of the school, as contained in subdivisions four and five of this section.

Seventh. In any city, incorporated town, or school district, which shall have established a high school, the board of education or board of school trustees shall constitute the high school board, and shall have the management and control of said high school.

Eighth. In union high school districts composed of more than two school districts, the high school board shall be composed of one member elected from each district composing the high school district, at the time and in the manner prescribed for the election of school trustees, except as otherwise provided in this act. The superintendent (or superintendents by concurrent action in joint high school districts) shall, in union high school districts composed of three or more school districts, divide the districts composing the union high school district into three classes, as nearly equal in number of school districts as possible, to be designated by him as class A, B, and C, respectively. At the first annual school election following the passage of this act, the districts in class A, as above divided and designated, shall each elect a high school trustee for one year; the districts in class B shall each elect a high school trustee for two years; the districts in class C shall each elect a high school trustee for three years. At each annual election thereafter, as terms of office expire, the high school trustees shall be elected for three years, and in case of expiration of term of appointment, for the unexpired term. Vacancies in the high school board shall be filled by appointment by the county superintendent of schools (and in case of joint union high school districts, by appointment of the county superintendent of the county in which the vacancy occurred), the appointee or appointees to hold until the first day of July succeeding the appointment. The trustees serving on union high school boards, composed of more than two school districts at the time of the approval of this section as hereby amended, shall hold until their successors are elected and shall qualify under the provisions hereof; in the formation of new union or joint union high school districts, the representatives selected according to the provisions of subdivision sixth of this section shall constitute the union or joint union high school board until the election or appointment and qualification of the regular board as herein provided. In union high school districts consisting of but two school districts, the union high school board shall be composed of the boards of school trustees of both said districts.

Ninth. The union high school board shall meet within ten days subsequent to the locating and naming of the union high school by the parties selected for that purpose, and shall organize by electing a president and a clerk from their own number, to serve until the second Saturday of July next succeeding their election; and thereafter the board shall meet and organize in the same manner on the second Saturday of July of each and every year.

Tenth. The high school boards shall hold regular monthly meetings at the high school building at such time as may be

Union high school districts composed of more than two districts.

Division into classes.

Election of trustees.

Vacancies.

Term of office of present trustees.

Meetings of board of trustees.

provided in the rules and regulations adopted by them for their own government. Special meetings may be held at the call of the president of the respective boards. Upon the request, in writing, signed by the majority of any board, the president of said board shall call a meeting thereof. Of all special meetings of any board the members thereof shall have at least two days' notice, issued and served by the clerk thereof. At special meetings no business shall be transacted other than as specified in the call therefor; *provided*, that in union high school districts composed of more than two districts the regular meetings as above provided shall be quarterly; *and provided further*, that the union high school board in said union high school districts may appoint an executive committee, consisting of the president and secretary and one other member of the board, no two of whom shall be from the same school district, to attend to the routine business of the board, their action to be reported to the board for ratification at its first regular meeting ensuing.

Powers
and duties
of boards
of trustees.

Election
for issu-
ance and
sale of
bonds for
the pur-
pose of
rebuild-
ing, etc.,
in case of
conflagra-
tion.

Election,
how
called.

Eleventh. The powers and duties of high school boards shall be such as are now or may hereafter be assigned by law to boards of education or boards of school trustees. In any city, incorporated town, school district or union high school district, which shall have voted to establish and maintain a high school or which is now maintaining a high school, the high school board of such high school district may, when in its judgment it is advisable, and must upon a petition of a majority of the heads of families residing in such high school district, call an election and submit to the electors of the high school district whether the bonds of such high school district shall be issued and sold for the purpose of raising money for purchasing high school lots for building, or purchasing one or more high school buildings, for repairing, restoring or rebuilding any high school building damaged, injured or destroyed by conflagration or other public calamity, for insuring the same, for supplying the same with furniture and necessary apparatus, for improving the grounds, or for any or all of said purposes, for liquidating any indebtedness already incurred for said purpose, and for refunding any outstanding valid indebtedness, evidenced by bonds or the warrants thereof. Such election must be called by posting notices signed by the high school board, in three of the most public places in the high school district, for not less than twenty days before the election; and if there is a newspaper published in the county in which said district was organized, by publishing such notice therein not less than once a week for three successive weeks. Such notice must contain: (1) The time and place of holding such election, (2) The names of the inspector and judges to conduct the same, (3) The hours during the day in which the polls will be open, (4) The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding twenty, the whole or any part of said bonds are to run. Such election shall be conducted in conformity with the provisions of sections one thousand five hundred and ninety-six, one thousand five hundred and

ninety-seven, one thousand five hundred and ninety-eight, one thousand five hundred and ninety-nine, one thousand six hundred, one thousand six hundred and one, and one thousand eight hundred and thirty-four of this code, except that the words to appear upon the ballots shall be "High school bonds—Yes," or "High school bonds—No." On the seventh day after said election at one o'clock p. m., the returns having been made to the high school board of such high school district, such high school board must meet and canvass said returns, and if it appears that two thirds of the votes cast at said election were cast in favor of issuing such bonds, then such high school board shall cause an entry of that fact to be made upon its minutes, and shall certify to the board of supervisors of the county in which such district was organized all of the proceedings had in the premises, and thereupon said board of supervisors shall be and it is hereby authorized and directed to issue the bonds of such high school district, to the number and amount provided in such proceedings, payable out of the building fund of such high school district, naming the same, and that the money shall be raised by taxes upon the taxable property in said high school district for the redemption of said bonds and the payment of the interest thereon; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the high school district as shown by the last equalized assessment of the county or counties in which such district is located. The board of supervisors by an order entered upon its minutes shall prescribe the form of said bonds and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall be not more than twenty years from the date thereof. Said bonds must not bear a greater amount of interest than eight per cent, said interest to be payable annually or semi-annually, and said bonds must be sold in the manner prescribed by the board of supervisors, but for not less than par, and the proceeds of the sale thereof must be deposited in the county treasury to the credit of the building fund of the said high school district, and be drawn out for the purposes aforesaid as other school moneys are drawn out. The board of supervisors of the county in which such high school district was organized, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such high school district for the interest and redemption of said bonds, and said tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such year, and in any event must be high enough to raise, annually, for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term high enough to pay such annual interest, and to pay, annually, a proportion of the principal of said bonds, equal to the sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run; and all taxes so levied, when collected, shall be paid into

Form of ballot.

Canvass of returns.

Supervisors to issue bonds.

Total amount of bonds.

Form of bonds.

Interest on bonds.

Tax levy for interest and redemption of bonds.

Taxes paid into county treasury to credit of high school building fund. ..

Territory included in high school district.

Failure to make tax levy.

Bond filed with state controller.

Duty of state board of equalization.

Unsold bonds, petition to cancel.

the county treasury of the county in which such district was organized, to the credit of the building fund of such high school district, and be used for the payment of the principal and interest on said bonds and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer upon the warrant of the auditor out of the fund provided therefor; and it shall be the duty of the auditor to cancel and file with the treasurer of the county in which such district was organized the bonds and coupons as rapidly as they are paid. That part of any high school district which has been admitted to said high school district from another county, under the provisions of this section, shall be deemed a part of the county wherein such high school district was organized, for all purposes connected with the issuance of the bonds of said high school district, including the levying and collecting of taxes for the payment of the principal and interest of said bonds. If the board of supervisors of any county which has issued bonds under the provisions of this act shall fail to make the levy necessary to pay such bonds or interest coupons at maturity, and the same shall have been presented to the county treasurer, and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the state controller, taking his receipt therefor, and the same shall be registered in the state controller's office, and the state board of equalization shall at its next session, and at each annual equalization thereafter, add to the state tax to be levied in said high school district a sufficient rate to realize the amount of principal or interest due prior to the next levy, and the same shall be levied and collected as a part of the state tax and paid into the state treasury and placed to the special credit of such high school district bond tax, and shall be paid by warrants, as the payments mature, to the holders of such registered obligations as shown by the register in the office of the state controller until the same shall be fully satisfied and discharged; any balance then remaining being passed to the general account and credit of said high school district. Whenever any bonds issued under the provisions of this title shall remain unsold for the period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the high school board of the high school district, for and on account of which such bonds were issued, may petition the board of supervisors of the county in which such high school district was organized to cause such unsold bonds to be withdrawn from the market and canceled. Upon receiving such petition, signed by a majority of the members of said high school board, the said board of supervisors shall fix a time for hearing the same, which shall not be more than thirty days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published for ten days prior to the day of hearing, in some newspaper published in said high school district, if there is one, and if there is no newspaper published in said high school district, then in a newspaper published at the

county seat of the county in which such high school district was organized. At the time and place designated in the notice for hearing said petition, or at any subsequent time to which said hearing may be postponed, the board of supervisors of the county in which such high school district was organized shall hear any reasons that may be submitted for or against the granting of the petition, and if said board shall deem it for the best interests of the high school district named in the petition, that such unsold bonds be canceled, said board shall make and enter an order in the minutes of its proceedings that said unsold bonds be canceled; and thereupon said bonds and the vote by which they were authorized to be issued shall cease to be of any validity whatever.

Cancellation of unsold bonds.

Twelfth. The course of study for the respective high schools shall be prepared by the high school board, and, except in cities and incorporated towns, shall be subject to the approval of the county board of education. Said course of study shall embrace a period of not less than three years; and it shall be such as will prepare graduates therein for admission into the state university. The high school board may prescribe an additional course or additional courses of study, subject to the approval as hereinbefore provided. The text-books to be used in all high schools shall be uniform throughout the state, and shall be adopted by the high school boards, subject to the same restrictions provided for the adoption of the course of study, from a list of books prepared and recommended by the state board of education. The state series shall be used in grades and classes for which they may be adapted.

Course of study prepared by board.

Text-books.

State series.

Thirteenth. Graduates of the grammar schools shall be admitted to the high schools without examination. Other applicants of the high school district may be admitted in accordance with such rules as may be prescribed by the high school board; *provided*, that no applicant shall be admitted to the high school who has not practically completed the work of the grammar grades of the county in which the high school is located; *provided*, that in high schools where the course of study embraces a period of four years, pupils who have completed the course of study prescribed for the seventh grade may, upon passing a satisfactory examination, be admitted. Proficiency is to be determined by the principal, subject to approval by the county board of education. The high school board may admit pupils not residing in any high school district upon the payment of such tuition fees as they may deem proper, and all moneys collected from this source shall be paid into the fund provided for the support of the high school.

Applicants, how admitted.

Fourteenth. In any city, incorporated town, school district or union high school district, which is now maintaining a high school, or which shall have voted to establish and maintain a high school, it shall be the duty of the high school board therein to furnish to the authorities whose duty it is to levy taxes on or before the first day of September, an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications, and

Duty of board to estimate cost of lot, buildings, etc., for the purpose of levying taxes.

erecting a suitable building, of furnishing the same, and of fencing and ornamenting the grounds, for the accommodation of the school, and of conducting the school for the school year, unless such high school board have secured or leased temporary accommodations or apartments for the use of such high school, as provided in subdivision sixth hereof. If such high school board have secured or leased such temporary quarters, accommodations, or buildings, they shall furnish to such authorities an estimate of the amount of money required to establish, operate and maintain such school in such temporary quarters or location for the ensuing school year. On the first day of September before the time when it will become necessary, by reason of the termination of their lease or agreement, or from any other reason, they shall make arrangements for another lease for a further period not to exceed three years, or they shall furnish to the authorities whose duty it is to levy taxes an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications, and erecting a suitable building, of furnishing the same, and of fencing and ornamenting the grounds for the accommodations of the school, and of conducting the school for the school year. It shall be the duty of said board each and every year thereafter to present to said authorities on or before the first day of September, an estimate of the amount of money required for conducting the school for the school year; *provided, however*, that the high school board therein, may, when in its judgment it is deemed advisable, and must upon the petition of the majority of the heads of families residing in said high school district, call an election and submit to the electors of said high school district whether the bonds of said high school district shall be issued and sold for the purposes mentioned in subdivision eleven of this section, and in case said election is determined in favor of the issuance of said bonds, the same shall be issued as provided in subdivision eleven of this section for any or all of the purposes mentioned therein.

In case of leased property.

Termination of lease.

Annual estimate.

Levy of special tax.

Fifteenth. When such estimate shall have been made and submitted it shall be the duty of the authorities whose duty it is to levy taxes in said city, incorporated town, school district, or union high school district, to levy a special tax upon all of the taxable property of said city, incorporated town, school district, or union high school district, sufficient in amount to maintain the high school, or to purchase the site, erect the building, or improve the building or grounds. Said tax shall be computed, entered upon the tax roll, and collected, in the same manner as other taxes are computed, entered, and collected.

Failure to make estimate.

Sixteenth. Should the high school board of any city, incorporated town, school district, or union high school district, fail to make the estimate provided for in subdivision fourteen of this section, it shall be the duty of the superintendent of schools, upon the petition of five qualified electors thereof, to make such estimate.

Seventeenth. Should the authorities whose duty it is to levy the tax, as provided in subdivision fifteen of this section, fail to make the levy provided for, it shall be the duty of the county auditor to make such levy, and add it to the tax roll of said city, incorporated town, school district, or union high school district.

Failure to
make
tax levy.

Eighteenth. All moneys collected from the levy of the tax provided for by this section shall be paid, in cities and incorporated towns, into the treasury thereof, to the credit of the high school fund; and said moneys shall be paid out by the treasurers of said cities or towns upon the warrants of the high school board, signed by the president and clerk thereof.

Disposi-
tion of
taxes
collected.

Nineteenth. All moneys collected from said levy in school districts, or union high school districts, shall be paid into the county treasury to the credit of the district high school fund, or the union high school fund, respectively, and shall be paid out on the order of the high school board, signed by the president and clerk thereof, as other school moneys are paid out.

Twentieth. Nothing in this section shall be construed as preventing all of the school districts in any county from uniting to form one or more county high schools; *provided*, that when any city, incorporated town, school district, or union high school district shall vote to maintain a high school, such territory shall be exempt from taxation to support a county high school; *and provided further*, that when any city, incorporated town, school district, or union high school district shall establish a high school prior to the submission of the proposition to establish a county high school, the electors of such city, incorporated town, school district, or union high school district shall be excluded from voting upon said proposition; *provided further*, that in counties where one or more city high schools, district high schools, or union district high schools are maintained, the board of supervisors shall, upon the petition of two thirds of the heads of families in the city high school district, district high school district, and in each school district composing the union high school district or districts, if there be more than one in the county, submit to all the qualified electors of the county the question of establishing and maintaining a county high school, and shall take such further steps as provided in section sixteen hundred and seventy-one of this act, relating to high schools. If the majority of all the votes cast on the proposition to establish a county high school are in the affirmative the board of supervisors shall, upon the establishment of the same, declare the high school or high schools existing in the county at the time of the election for a county high school, to be lapsed, and the property of such lapsed high school or schools shall be held or sold by the board of supervisors for the benefit of the county high school.

School
districts
uniting to
form one or
more
county
high
schools.

Election.

Twenty-first. A school district cannot lie partly within a high school district, or a union or a joint union high school district, and partly without; and in all cases where the boundaries of a school district comprised within any such high school dis-

Boundary
of school
district.

trict shall for any cause be changed to include territory not previously in such district, the territory acquired or added to such included district shall become and constitute a part of the high school or union or joint union high school district. Where the boundaries of the districts constituting the union or joint union district are so changed as to increase the number of districts within its territory, the new school district or districts so created shall continue to be part of the high school district and after the first day of July next succeeding its creation, it shall be entitled to representation upon the high school board.

School district admitted to high school district.

Twenty-second. Any school district adjacent to a high school, union, or joint union high school district in the same or in an adjoining county, may be admitted to said high school district by action of the board of supervisors of the county in which the school district is located, upon such terms as may be agreed upon between the trustees of the school district seeking admission and the high school board, whenever a majority of the heads of families, as shown by the last preceding school census, shall present to said board of supervisors a petition for such annexation, accompanied by a petition signed by a majority of the members composing the high school board of the district to which admission is desired. Any district contained in a union or joint union high school district may, in like manner, withdraw from such union or joint union district by action of the board of supervisors of the county in which the district is located, upon such terms as may be agreed upon between the trustees of the school district seeking to withdraw and the high school board, whenever a majority of the heads of families constituting the union or joint union high school district, and two thirds of the heads of families residing in the district seeking to withdraw, according to the number of heads of families shown by the last preceding school census, shall present to such board of supervisors a petition consenting to such withdrawal, accompanied by a like petition signed by a majority of the members composing the high school board. All the provisions relative to the levy and collection of the tax necessary to maintain a union high school district, shall apply to the levy and collection of the tax required for a joint union school district, as in this section provided.

District may withdraw.

Average daily attendance.

Twenty-third. When the average daily attendance of pupils in any high school during the whole of any school year after the first school year shall be ten, or less than ten, the superintendent of schools shall suspend the school in said district, and shall report the fact to the board of supervisors. Upon receiving such report from the superintendent, the board of supervisors shall declare the high school lapsed, and shall cause the property thereof to be sold. All moneys received from the sale of the property of the high school district, and all money in the treasury to the credit of said high school, shall be distributed by the county superintendent to the dis-

Report of superintendent.

Sale of high school property, when.

tricts composing the high school district, in proportion to the assessed valuation of property in said districts.

Twenty-fourth. Any high school district that has existed three years or more, whether embracing one or more school districts, union or joint union, now organized and existing or which may hereafter be established, may disincorporate and be dissolved and disestablished in the following manner: A petition signed by two thirds of the heads of families, as shown by the last preceding school census, of the high school district so petitioning, shall be presented to the county superintendent of public schools, which petition shall set forth briefly the reasons for disincorporation, and shall pray that the question may be submitted to the voters in said district. Upon receiving such petition the superintendent shall call an election in the city or district, and in each school district of any union high school district so petitioning, and shall submit to the voters therein the question of disincorporation of such high school district. In joint union high school districts the petition shall be presented to the superintendent of each county having territory within the petitioning district, and each superintendent so petitioned shall within fifteen days after receiving such petition, order an election in the district or districts situate within his own county and forming a part of the joint union high school district petitioning. At the time of calling such election, which in union and joint union districts must be held in all the school districts composing them upon the same day, the superintendent or superintendents must appoint three electors in each school district contained within the high school district petitioning to conduct the election. Notice of election shall be given by posting written or printed notice thereof in at least three of the most public places in the high school district in which the election is called, for at least twelve days next before the day set for such election. In union and joint union districts the said notice shall be given in each school district therein. Said election shall be conducted in the manner provided by law for conducting school elections. The ballots shall have printed on them the words "For disincorporation," and the voters shall write or print thereafter the word "Yes" or the word "No." The election officers shall report the result of such election within five days thereafter to the county superintendent of schools of the counties of which they are residents. If a majority of all the votes cast at such election be opposed to disincorporation, no further petition shall be entertained or election ordered for a similar purpose within three years next following such election. If two thirds of all votes cast at such election be in favor of disincorporation, the superintendent shall, at the end of the existing school year, suspend said high school district, and report the result of the election and the fact of such suspension to the board of supervisors; *provided*, that when a joint union high school district is disincorporated under the provisions hereof, each of the superintendents of the counties having territory therein shall imme-

Disincorporation and dissolution of district.

Petition.

Election.

Officers of election.

Notice of election.

Form of ballot.

If majority oppose.

Suspension if majority favor.

Report of suspension.

diately certify to the others the result of the election in his own county, and all of them shall join in the order of suspension; and each superintendent shall thereafter, and before the end of the existing school year, report the result of such election and such suspension to the board of supervisors of his county. Upon receiving such report, said boards, and each of them, shall, at the first meeting thereafter, make an order declaring said high school district duly disincorporated and disorganized, to take effect at the end of the existing school year. When a city, district, or union high school has disincorporated under the provisions of this section, the property thereof shall be sold and the proceeds of such sale together with any moneys in the treasury to the credit of such disincorporating high school district, shall be disposed of as in subdivision twenty-third thereof. When a joint union high school is disincorporated under this section the board of supervisors of the county within which the high school building and other property belonging to the disincorporated district is situated, shall sell the same and place the proceeds thereof to the credit of the school districts composing such disincorporated district. Such division of said proceeds shall be in proportion to the value of property in the districts among which division is made, as determined by the last previous assessment for school purposes, and the portions of said proceeds belonging under such division to the districts in other counties than the one in which the sale is made shall be transferred, by the board making the division, to the county or counties within which such school districts are situated; but the joint union high school funds in such counties collected by taxation, for the maintenance of said joint union high school, shall be distributed by the supervisors of such counties to the districts from which they were collected.

Sale of property and disposition of funds.

Non-resident pupils.

Twenty-fifth. When, in consequence of distance or of convenience in traveling, it is more convenient for pupils residing in any high school district to attend the high school in another high school district, the high school board of the latter district may admit such pupils to the high school in their district upon such terms as the two boards may arrange.

Joint union high school districts.

Twenty-sixth. (1) When a majority of the heads of families residing in two or more adjacent districts, not in the same county, shall unite in a petition to the county superintendent of their respective counties for the establishing and maintaining of a joint union high school district, it shall be the duty of said superintendent, within twenty days after receiving said petition, to call an election in the district or districts in his county petitioning for the purpose of determining the question and appoint three qualified electors in each district petitioning to conduct the election therein. Said election shall be called and conducted in all respects as specified in subdivision fourth of this section, and the result thereof shall be reported by the election officers in each district to the superintendents of the counties in which the districts are situated within five days subsequent to the holding of said election.

(2) If a majority of the votes cast in the district shall in the aggregate, be in favor of establishing a joint union high school, the county superintendent in each county shall, within fifteen days after receiving the returns of the election, direct the board of trustees in the district, or districts, in his respective county, to call a meeting of the qualified electors, as provided in subdivision sixth of this section. At said meeting the qualified electors in each district shall select representatives, as provided in said division. The representatives so chosen shall meet at a time and place to be agreed upon among themselves, for the purpose of determining the name of the high school. The location of the school shall be determined by the joint action of the representatives chosen and the county superintendents of the counties, in manner and form as provided for the location of union high schools.

Establishing organization of.

(3) The joint union high school board shall be composed as provided in subdivision eighth of this section; and their powers and duties shall be such as are specified in this section for union high school boards; *provided*, that the estimate provided for in subdivision fourteenth of this section shall be furnished to the authorities in each of the counties in which the districts uniting are situated; *and provided further*, that the portion of the amount to be raised in each district shall be in proportion to the taxable property therein, as shown by the last preceding assessment roll thereof.

Joint union high school board.

(4) All the provisions relative to the levy and collection of the tax necessary to maintain the high school shall apply to the levy and collection of the tax for joint union high schools; *provided*, that the amount collected in each district shall be paid into the treasury of the county in which said district is located, to the credit of a fund to be known as the joint union high school fund, and shall be paid out as provided in subdivision nineteenth of this section.

Levy and collection of tax for joint union high school.

CHAPTER XLIX.

An act to appropriate money for the purpose of supplying suitable furniture, furnishings, stationery and supplies for the district court of appeal of the first district.

[Approved June 14, 1906.]

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

SECTION 1. Four thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of supplying suitable furniture, furnishings, stationery and supplies for the use of the district court of appeal of the first district in the city and county of San Francisco. Said money shall be expended under the direction of a majority of the justices of the said court.

Appropriation.

First district court of appeal, furniture, etc., for.

SEC. 2. This act shall take effect immediately.

CHAPTER L.

An act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised.

[Approved June 14, 1906.]

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

Eminent domain, purposes for which it may be exercised.

SECTION 1. Section twelve hundred and thirty-eight of the Code of Civil Procedure is hereby amended to read as follows:

1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

Fortifications, etc.

1. Fortifications, magazines, arsenals, navy yards, navy and army stations, lighthouses, range and beacon lights, coast surveys, and all other public uses authorized by the government of the United States.

Public buildings, state.

2. Public buildings and grounds for the use of the state, and all other public uses authorized by the legislature of the state.

Public buildings, county or city.

3. Public buildings and grounds for the use of any county, incorporated city, or city and county, village, town or school districts; canals, aqueducts, reservoirs, tunnels, flumes, ditches or pipes for conducting or storing water for the use of the inhabitants of any county, incorporated city, or city and county, village or town, or for draining any county, incorporated city, or city and county, village or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels, roads, streets and alleys; public mooring places for water craft; public parks, including parks and other places covered by water, and all other public uses for the benefit of any county, incorporated city, or city and county, village or town, or the inhabitants thereof, which may be authorized by the legislature; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.

Wharves, docks, etc.

4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank, and turnpike roads; paths and roads either on the surface, elevated, or depressed, for the use of bicycles, tricycles, motorcycles and other horseless vehicles, steam, electric, and horse railroads, canals, ditches, dams, pondings, flumes, aqueducts and pipes for irrigation, public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable.

Roads, tunnels, etc.

5. Roads, tunnels, ditches, flumes, pipes and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or

possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines.

6. By-roads leading from highways to residences, farms, mines, mills, factories and buildings for operating machinery, or necessary to reach any property used for public purposes.

By-roads,
etc.

7. Telegraph and telephone lines.

Tele-
graph, etc.

8. Sewerage of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any public buildings belonging to the state, or to any college or university.

Sewerage.

9. Roads for transportation by traction engines or road locomotives.

Roads.

10. Oil pipe-lines.

Pipe-lines.

11. Roads and flumes for logging or lumbering purposes.

Flumes.

12. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery for the purpose of generating and transmitting electricity for the supply of mines, quarries, railroads, tramways, mills, and factories with electric power; and also for the supplying of electricity to light or heat mines, quarries, mills, factories, incorporated cities and counties, villages or towns; and also for furnishing electricity for lighting, heating or power purposes to individuals or corporations, together with lands, buildings and all other improvements in or upon which to erect, install, place, use or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth.

Canals, etc.

13. Electric power lines, electric heat lines; and electric light, heat and power lines.

Electric
lines.

14. Cemeteries for the burial of the dead, and enlarging and adding to the same and the grounds thereof.

Ceme-
teries.

15. The plants, or any part thereof or any record therein, of all persons, firms or corporations heretofore, now or hereafter engaged in the business of searching public records, or publishing public records or insuring or guaranteeing titles to real property, including all copies of, and all abstracts or memoranda taken from, public records, which are owned by, or in the possession of such persons, firms or corporations, or which are used by them in their respective businesses; *provided, however,* that the right of eminent domain in behalf of the public uses mentioned in this subdivision may be exercised only for the purpose of restoring or replacing, in whole or in part, public records, or the substance of public records, of any city, county and county, county or other municipality, which records have been, or may hereafter be, lost or destroyed by conflagration or other public calamity; *and provided further,* that such right shall be exercised only by the city, county and county, county or municipality, whose records, or part of whose records, have been, or may be, so lost or destroyed.

Plants, or
any part
thereof, of
searchers
of records.

Proviso.

Sec. 2. This act shall take effect immediately.

CHAPTER LI.

An act appropriating twenty-five hundred dollars for restoring certain records and refitting and refurnishing the office of the clerk of the supreme court in the city of San Francisco.

[Approved June 14, 1906.]

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

Appropriation.
Clerk of the supreme court, restoration of records, etc.

SECTION 1. There is hereby appropriated for the office of the clerk of the supreme court in the city of San Francisco the sum of twenty-five hundred dollars to enable the clerk of the supreme court to restore certain records and to refit and refurnish his office and to purchase necessary blanks and printed books and stationery and such other items as may be necessary, all being necessary because of the destruction of records and other property by fire.

SEC. 2. Such restoration of records, refitting and refurnishing shall be made and done under the supervision of the clerk of the supreme court. Bills for the same shall be presented to the state board of examiners and when allowed by said board the state controller shall draw his warrants therefor against this appropriation and the state treasurer shall pay the same.

SEC. 3. This act shall take effect immediately.

CHAPTER LII.

An act to add a new section to the Code of Civil Procedure to be known as section eighteen hundred and fifty-five a, relating to secondary evidence of public records or documents lost or destroyed by conflagration or other public calamity.

[Approved June 16, 1906.]

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

Evidence.

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be known as section eighteen hundred and fifty-five a, to read as follows:

Public record or document, proof of contents of lost.

1855a. When it is desired to prove the contents of any public record or document lost or destroyed by conflagration or other public calamity and after proof of such loss or destruction, there is offered in proof of such contents, any abstract of title issued and certified to as correct by any person, firm or corporation engaged in the business of preparing and making abstracts of title issued and certified to as correct by any such person, firm or corporation, the same may be

admitted in evidence on proof that the same was prepared and made in the ordinary course of business prior to such loss or destruction, and without further proof by the person who actually made the copies, extracts, notes or memoranda of records, constituting such abstract of title that they were correctly taken from the original record or document; *provided, nevertheless,* that whenever and as soon as said action is set for trial any party so desiring to use said evidence shall notify all other parties to the action who have appeared therein, of his intention to use the same at the trial of said action, and shall give all such other parties a reasonable opportunity to inspect the same and to take copies thereof.

When used as evidence.

SEC. 2. This act shall take effect immediately.

CHAPTER LIII.

An act providing for the issuance of duplicate certificates, where certificates issued under authority of law have been lost or destroyed by conflagration or other public calamity.

[Approved June 16, 1906.]

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

SECTION 1. Whenever any public board or officer is authorized by law to issue any certificate of any kind, and the records in the office of such board or officer show the issuance of such certificate, and it is made to appear by affidavit that such certificate has been lost or destroyed by conflagration or other public calamity, such board or officer may issue a duplicate of such certificate, which shall recite the issuance and loss or destruction of such original certificate, and shall have the same force and effect as such original certificate; *provided,* that this act shall not apply to certificates of acknowledgments.

Certificates issued by public officer, duplicate of those lost.

SEC. 2. This act shall take effect immediately.

CHAPTER LIV.

An act to provide for the copying of books, documents, maps or records required by law to be kept or preserved by city, county, or city and county officers, which have been damaged by conflagration or other public calamity.

[Approved June 16, 1906.]

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

Damaged records, books, maps, etc.

Copied, transcribed and bound by order of supervisors.

Compared with original and affidavits attached.

Authenticated by officer having custody thereof.

Prima facie evidence.

Expenses of.

SECTION 1. Whenever any book, document, map or record required by law to be kept or preserved by any city, county, or city and county officer has been or may hereafter be damaged by conflagration or other public calamity, it shall be lawful for the board of supervisors, or board of trustees, of the city, county, or city and county in which the same is required to be kept or preserved, to cause such book, document, map or record to be copied and transcribed into a new and well-bound book.

SEC. 2. Said book, document, map, or record, when so copied or transcribed, shall be carefully compared with the original thereof, and when the same shall have been so copied and compared with the original thereof, the persons who have done such comparing shall each make an affidavit which shall be incorporated into the book, document, map or record as copied, that said book, document, map or record and each and every copy thereof is a true copy of the original book, document, map or record, and each and every part thereof; that the matter of record which appears upon every page of the original appears also upon the same page of the copy; and that no matter of record appears upon any page of the copy which is not to be found upon the same page of the original. Said book, document, map or record shall also be authenticated under the hand of the officer having the custody thereof, to the effect that the same is a true copy of the original book, document, map or record so damaged.

SEC. 3. Any such new book, document, map or record copied and authenticated as above provided, shall be *prima facie* evidence of the contents of the original book, document, map or record; and it shall bear the same name and designation as the original thereof, and certified copies of any instrument so copied into it shall have the same force and effect as certified copies of the original made from the original book.

SEC. 4. The board of supervisors or board of trustees of such city, county, or city and county, may make such provision for the payment for copying and transcribing the books, documents, maps and records under this act, out of the city, county, or city and county treasury, as to them may seem reasonable, not exceeding the amount now authorized to be received for copying and recording the originals thereof, and

the same shall be a charge against the city, county, or city and county.

SEC. 5. This act shall take effect immediately.

CHAPTER LV.

An act relating to the restoration of court records which have been lost, injured or destroyed by conflagration or other public calamity.

[Approved June 16, 1906.]

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

SECTION 1. Whenever in any action or special proceeding, civil or criminal, in any court of this state, any judgment, decree, order, document, record, paper, process, or file, or any part thereof, shall have been or shall hereafter be lost, injured or destroyed by reason of conflagration or other public calamity, any party or person interested therein may, on application by a duly verified petition in writing to such court, and on showing to the satisfaction of such court that the same has been lost, injured or destroyed by conflagration or other public calamity, without fault or neglect of the party or person making such application, obtain an order from such court upon notice given as provided in section 1010 to 1017 inclusive of the Code of Civil Procedure, authorizing such defect to be supplied by a duly certified copy of such original, where the same can be obtained, which certified copy shall thereafter have the same effect in all respects as such original would have had.

Court records, restoration of those lost or destroyed by conflagration.

SEC. 2. Whenever in any action or special proceeding, civil or criminal, in any court of this state any judgment, decree, order, document, record, paper, process or file, or any part thereof, shall have been or shall hereafter be lost, injured or destroyed by reason of conflagration or other public calamity, and such defect cannot be supplied as provided in the last section, any party or person interested therein may make written application to the court to which the same belongs, verified by affidavit or affidavits, showing such loss, injury or destruction, and that certified copies thereof cannot be obtained by the party or persons making such application, and that such loss, injury or destruction occurred by conflagration, or other calamity, without the fault or neglect of the party making such application, and that such loss, injury or destruction, unless supplied or remedied will or may result in damage to the party or person making such application, and thereupon such court shall cause notice of such application to be given, as provided in section ten hundred and ten to ten hundred and seventeen inclusive of the Code of Civil

Same.

Procedure. If, upon such hearing the court shall be satisfied that the statements contained in such written application are true, the court shall make an order reciting what was the substance and effect of such lost, injured or destroyed judgment, decree, order, document, record, paper, process or file, which order shall have the same effect that such original would have had if the same had not been lost, injured or destroyed, so far as concerns the party or persons making such application, and the persons who shall have been notified, as provided for in this section. The judgment, decree, order, document, record, paper, process, or file in all cases where the proceeding is *in rem*, including probate, guardianship and insolvency proceedings, may be supplied in like manner upon like notice to all persons who have appeared therein, and notice by publication or postings to all persons who have not appeared for not less than ten days, as the court may order, and the same when restored shall have the same effect upon all persons who have been personally served with notice of such application as the original, and as to all other persons the same shall be *prima facie* evidence of the contents of such original.

Appeal.

SEC. 3. If an appeal shall have been taken in any action or special proceeding in any superior court in which the record shall have been subsequently lost or destroyed by conflagration or other public calamity, to a district court of appeal or to the supreme court, and a transcript of such record has been filed in such district court of appeal or in the supreme court, any party or person interested in the action or special proceeding may obtain a certified copy of such transcript, or of any portion thereof, from the clerk of the district court of appeal, attested by the presiding judge thereof, or from the clerk of the supreme court, attested by the chief justice, and may file such certified and attested copy of such transcript or of any part or portion thereof in the office of the clerk of the superior court from which such appeal was taken. Thereupon such certified and attested copy of such transcript or of any part or portion thereof may be made the basis of any further proceedings or processes in such superior court in such action or special proceeding to all intents and purposes as if the original record so copied, certified and attested, or the part or portion thereof so copied, certified and attested, were on file.

SEC. 4. This act shall take effect immediately.

CHAPTER LVI.

An act to add a new section to the Political Code to be known and numbered as section forty-two hundred and forty-eight, relating to county and city and county recorders' offices, and to the recording of instruments therein, the record of which has been, or shall hereafter be, lost, injured or destroyed by conflagration or other public calamity.

[Approved June 16, 1906.]

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

SECTION 1. The Political Code of the State of California is hereby amended by adding thereto a new section to be numbered and known as section forty-two hundred and forty-eight, and to read as follows: Recorder's office.

4248. Subdivision 1. Whenever any record of any instrument has been, or shall hereafter be, lost, injured or destroyed by conflagration or other public calamity, the recorder of such county, or city and county is hereby authorized and directed to record any instrument of writing entitled to record under the provisions of Article VII, Chapter V, Part IV, of this code, which instrument of writing had been previously recorded in his office. In recording the same, the recorder shall record all certificates attached thereto and all endorsements thereon, and if any of such certificates or endorsements show the previous recording of same in the county, or city and county, where said instrument is presented for record, the date appearing in such certificate or instrument of such record shall be deemed and taken as the date of the recording thereof in said county or city and county, where said instrument is presented for record. Such record and certified copies thereof, duly certified by the recorder of any such county, or city and county, under his seal of office, may be introduced in evidence, with the same force and effect as the original record or certified copies of the original record. Restoration of lost or destroyed records.

Subdivision 2. Whenever any record of any instrument has been, or shall hereafter be, lost injured or destroyed by conflagration or other public calamity, the recorder of such county, or city and county is hereby authorized and directed, when presented to him for record, to record any instrument of writing entitled to record under the provisions of Article VII, Chapter V, Part IV, of this code, which said instrument of writing shall have been or shall be duly certified by the recorder of any other county, or city and county, of this state as being of record in his office. In recording the same, the recorder shall record all certificates attached thereto, or endorsements thereon, and if any of such certificates or endorsements show the previous recording of the same in the county, Same.

or city and county, where the said certified copy of the said instrument is presented for record, the date appearing in such certificate or endorsement of such record shall be deemed and taken as the date of the recording thereof in said county, or city and county recorder's office, where the said certified copy is so presented for record. Said record and certified copies of any such record, duly certified by the recorder of any such county, or city and county, under his seal of office, may be introduced in evidence with the same force and effect as the original record or certified copies of the original record.

Fees.

Subdivision 3. Such county, or city and county recorder shall be entitled, for his services hereunder, to receive the same amount of fees as he is entitled to receive for the recording of instruments of like character.

SEC. 2. This act shall take effect immediately.

CHAPTER LVII.

An act to amend section three thousand seven hundred and five of the Political Code of the State of California, providing for the extension by the state board of equalization of the time in which certain boards and officials shall perform certain acts.

[Approved June 16, 1906.]

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

SECTION 1. Section three thousand seven hundred and five of the Political Code is hereby amended to read as follows:

State board of equalization.

Extension of time for performance of act by assessor, etc.

3705. The state board of equalization may, by an order entered upon its minutes, and certified to the county auditor of any county, extend, for not exceeding twenty days, the time fixed in this title, for the performance of any act, by the county assessor, county auditor, or county boards of equalization; *provided, however*, that in cases of conflagration or other public calamity within the state, the state board of equalization may, by an order entered upon its minutes, and certified to the county auditor of any county, extend, for not exceeding forty days, the time fixed in this title for the performance of any act in this section provided; and wherever any act to be performed or required by the laws of the state to be performed, by the state board of equalization is dependent for its performance on the act of any other official or officials, which act or acts on the part of said other official or officials shall be extended under the provisions of this section, then and in that event, the state board of equalization shall have the same extension of time in which to perform the act so required of it by law, as given to said official or officials.

SEC. 2. This act shall take effect immediately.

CHAPTER LVIII.

An act to authorize and provide for the transfer to the United States of the title to and the jurisdiction over certain tide lands in San Diego bay, San Diego county, State of California, and to empower the Board of State Harbor Commissioners for the Bay of San Diego as the agent of the state to make such transfer.

[Approved June 16, 1906.]

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

SECTION 1. Upon the enactment of appropriate legislation by congress, providing for the taking of the real property hereinafter described, belonging to the State of California, situated in San Diego county, the Board of State Harbor Commissioners for the Bay of San Diego may, and is hereby authorized, to convey to the United States for quarantine purposes the title to, and cede to the United States Government the jurisdiction over the following described tide lands in San Diego bay:

Transfer to United States of certain tide lands in San Diego county.

Beginning at a point on the main ship channel side of the shoal three hundred feet (300 ft.) northerly from Black Beacon number one (1), running thence one thousand feet (1000 ft.) in a northwesterly direction along the ship channel side of the shoal; thence across the shoal six hundred feet (600 ft.) in a westerly direction to the Portuguese channel; thence in a southerly direction along the west side of the shoal one thousand feet (1000 ft.); thence in an easterly direction six hundred feet (600 ft.) to place of beginning, together with wharf privileges appurtenant necessary to the use of said land.

Description of lands.

SEC. 2. A deed duly executed, and delivered by the president of the Board of State Harbor Commissioners for the Bay of San Diego, thereunto duly authorized by said board, shall pass and vest title to, and jurisdiction over, said property in the government of the United States.

SEC. 3. A condition of the above cession of tide lands is that all civil process issued from the courts of this state, and such criminal process as may issue under the authority of this state against any person charged with crime may be served and executed thereon in the same mode or manner, and by the same officers as if the grant to the United States Government had not been made.

SEC. 4. The Board of State Harbor Commissioners for the Bay of San Diego is hereby authorized and empowered to do and perform all acts which are, or may be necessary in law or otherwise, to carry out the purposes of the above grant.

Power of Harbor Commissioners of San Diego Bay.

SEC. 5. This act shall take effect and be in force from and after its passage.

CHAPTER LIX.

An act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records.

[Approved June 16, 1906.]

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

Establishment and quieting of title to real property when public records are lost.

SECTION 1. Whenever the public records in the office of a county recorder have been, or shall hereafter be, lost or destroyed, in whole or in any material part, by flood, fire or earthquake, any person who claims an estate of inheritance, or for life in, and who is by himself or his tenant, or other person, holding under him, in the actual and peaceable possession of any real property in such county, may bring and maintain an action in rem against all the world, in the superior court for the county in which such real property is situate, to establish his title to such property and to determine all adverse claims thereto. Any number of separate parcels of land claimed by the plaintiff may be included in the same action.

Action commenced.

SEC. 2. The action shall be commenced by the filing of a verified complaint, in which the party so commencing the same shall be named as plaintiff, and the defendants shall be described as "all persons claiming any interest in, or lien upon the real property herein described, or any part thereof," and shall contain a statement of the facts enumerated in section one of this act, a particular description of such real property, and a specification of the estate, title, or interest of the plaintiff therein.

Filing of complaint and issue of summons.

SEC. 3. Upon the filing of the complaint, a summons must be issued under the seal of the court, which shall contain the name of the court and county in which the action is brought, the name of the plaintiff and a particular description of the real property involved, and shall be directed to "all persons claiming any interest in, or lien upon the real property herein described, or any part thereof," as defendants, and shall be substantially in the following form:

Form of summons.

"In the superior court of the State of California in and for the county (or city and county) of....."

Plaintiff,
vs.
All persons claiming any interest in, or lien upon, the real property herein described or any part thereof,
Defendants.
} Action No.

The People of the State of California, to all persons claiming any interest in, or lien upon, the real property herein described or any part thereof, defendants, greeting:

You are hereby required to appear and answer the complaint of _____, plaintiff, filed with the clerk of the above entitled court and county, within three months after the first publication of this summons, and to set forth what interest or lien, if any, you have in or upon that certain real property or any part thereof, situated in the county (or city and county) of _____, State of California, particularly described as follows: (Here insert description.)

And you are hereby notified that, unless you so appear and answer, the plaintiff will apply to the court for the relief demanded in the complaint, to wit: (Here insert a statement of the relief so demanded.)

Witness my hand and the seal of said court,
(Seal) this ____ day of _____ A. D. _____
_____. Clerk."

SEC. 4. The summons shall be published in a newspaper of general circulation published in the county in which the action is brought. The newspaper in which such publication is to be made shall be designated by an order of the court or a judge thereof to be signed and filed with the clerk. No other order for the publication of the summons shall be necessary, nor shall any affidavit therefor be required, nor need any copy of the complaint be served, except as hereinafter required. The summons shall be published at least once a week for a period of two months, and to each publication thereof shall be appended a memorandum in substance as follows:

"The first publication of this summons was made in _____ (here insert name) newspaper on the _____ day of _____ A. D. _____," (inserting the date).

And if the affidavit provided for in section five of this act discloses the name of any person claiming an interest in the property, or a lien thereon adverse to the plaintiff, that fact, together with the name and address (if given) of said person shall be stated in a memorandum to be appended to the summons in substance as follows:

"The following persons are said to claim an interest in, or lien upon said property adverse to plaintiff," (giving their names and addresses as above provided). A copy of the summons, together with a copy of the foregoing memoranda, shall be posted in a conspicuous place on each separate parcel of the property described in the complaint within fifteen days after the first publication of the summons.

SEC. 5. At the time of filing the complaint, the plaintiff shall file with the same his affidavit, fully and explicitly setting forth and showing (1) the character of his estate, right, title, interest or claim in, and possession of the property, during what period the same has existed and from whom obtained; (2) whether or not he has ever made any conveyance of the property, or any part thereof, or any interest therein, and if so when and to whom; also a statement of any and all subsisting mortgages, deeds of trust, and other liens thereon; (3) that he does not know and has never been informed of any other person who claims or who may claim, any interest in, or lien

upon, the property or any part thereof, adversely to him, or, if he does know or has been informed of any such person, then the name and address of such person. If the plaintiff is unable to state any one or more of the matters herein required, he shall set forth and show, fully and explicitly, the reasons for such inability. Such affidavit shall constitute a part of the judgment roll. If the plaintiff be a corporation, the affidavit shall be made by an officer thereof. If the plaintiff be a person under guardianship the affidavit shall be made by his guardian.

Service of
summons
on resident
of this
state.

SEC. 6. If the said affidavit discloses the name of any person claiming any interest in, or lien upon, the property adverse to the plaintiff, the summons shall also be personally served upon such person if he can be found within the state, together with a copy of the complaint and a copy of said affidavit during the period of the publication of the summons; and to the copy of the summons delivered to any such person there shall be appended a copy of the memoranda provided for in section four hereof.

Non-
resident.

If such person resides out of this state a copy of the summons, memoranda, complaint and affidavit shall be within fifteen days after the first publication of the summons deposited in the United States post office, enclosed in a sealed envelope, postage prepaid, addressed to such person at the address given in the affidavit or if no address be given therein, then at the county seat at the county in which the action is brought. If such person resides within this state and could not with due diligence be found within the state, within the period of the publication of the summons, then said copies aforesaid shall be mailed to him as above provided forthwith upon the expiration of said period of publication.

Jurisdic-
tion of
court.

SEC. 7. Upon the completion of the publication and posting of the summons and its service upon and mailing to the persons, if any, upon whom it is hereby directed to be so specially served the court shall have full and complete jurisdiction over the plaintiff and the said property and of the person of every one having or claiming any estate, right, title or interest, in or to, or lien upon, said property, or any part thereof, and shall be deemed to have obtained the possession and control of said property for the purposes of the action, and shall have full and complete jurisdiction to render the judgment therein which is provided for in this act.

Answer to
complaint.

SEC. 8. At any time within three months from the first publication of the summons, or within such further time, not exceeding thirty days as the court may, for good cause, grant, any person having or claiming any estate, right, title or interest, in or to, or lien upon, said property or any part thereof, may appear and make himself a party to the action by pleading to the complaint. All answers must be verified and must specifically set forth the estate, right, title, interest, or lien so claimed.

Record of
pendency
of action.

SEC. 9. The plaintiff must, at the time of filing the complaint, and every defendant claiming any affirmative relief

must, at the time of filing his answer, record in the office of the recorder of the county in which the property is situated, a notice of the pendency of the action containing the object of the action or defense, and a particular description of the property affected thereby; and the recorder shall record the same in a book devoted exclusively to the recordation of such notices and shall enter, upon a map or plat of the parcels of land, to be kept by him for that purpose, on that part of the map or plat representing the parcel or parcels so described a reference to the date of the filing of such notice and, when recorded, to the book and page of the record thereof.

SEC. 10. No judgment in any such action shall be given by default; but the court must require proof of the facts alleged in the complaint and other pleadings.

Judgment not to be given by default.

SEC. 11. The judgment shall ascertain and determine all estates, rights, titles, interests and claims in and to said property and every part thereof, whether the same be legal or equitable, present or future, vested or contingent, or whether the same consist of mortgages or liens of any description and shall be binding and conclusive upon every person who, at the time of the commencement of the action, had or claimed any estate, right, title, or interest in or to said property, or any part thereof, and upon every person claiming under him by title subsequent to the commencement of the action. A certified copy of the judgment in such action shall be recorded in the office of the recorder of the county in which said action was commenced, and any party or the successor in interest of any party to said action may, at his option, file for record in the office of the recorder of such county the entire judgment roll in said action.

Judgment.

Certified copy of judgment.

SEC. 12. Except as herein otherwise provided, all the provisions and rules of law relating to evidence, pleading, practice, new trials and appeals applicable to other civil actions shall apply to the actions hereby authorized. At any time after the issuance of the summons, any party to the action may take depositions therein in conformity to law upon notice to the adverse party sought to be bound by such depositions and who have appeared in the action (if any) and upon notice filed with the clerk. The depositions may be used by any party against any other party giving or receiving the notice (except the clerk) subject to all just exceptions.

Rules of practice.

SEC. 13. The clerk shall number consecutively in a distinct series all actions hereby authorized and shall keep an index and register thereof devoted exclusively to such actions.

Numbering and indexing of actions.

SEC. 14. Whenever judgment in an action hereby authorized shall have been entered as to any real property, no other action relative to the same property or any part thereof maintained under this act shall be tried until proof shall first have been made to the court that all persons who appeared in the first action or their successors in interest have been personally served with the papers mentioned in section six of this act either within or without this state more than one month before the time to plead expired.

Judgment entered prevents further action, except.

Executor,
etc., may
maintain
action.

SEC. 15. An executor, administrator or guardian or other person holding the possession of property in the right of another, may maintain, as plaintiff, and may appear and defend in the action herein provided for.

County
includes
what.

SEC. 16. The word "county" whenever used in this act includes and applies to a consolidated city and county.

Remedies
deemed cu-
mulative.

SEC. 17. The remedies provided for by this act shall be deemed cumulative, and in addition to any other remedy now or hereafter provided by law for quieting or establishing title to real property.

Actions,
when to be
com-
menced.

SEC. 18. All actions authorized hereby must be commenced before July 1st, 1909.

SEC. 19. This act shall be in force thirty days after its passage.

CHAPTER LX.

An act to provide for the reproduction of the register of the Board of Medical Examiners, the Board of Dental Examiners, or the Board of Pharmacy, where the same has been destroyed by conflagration or other public calamity.

[Approved June 16, 1906.]

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

State Medi-
cal Ex-
aminers,
etc.

SECTION 1. Whenever the register or book of registration of the Board of Medical Examiners of the State of California, the Board of Dental Examiners of California, or the Board of Pharmacy, has been or may hereafter be destroyed by fire or other public calamity, the board whose duty it is to keep such register or book is hereby authorized to reproduce such register or book so that the same may show as nearly as possible the record existing in the original register or book at the time of such destruction.

Reproduc-
tion of lost
records.

SEC. 2. For the reproduction of the destroyed register or book the board shall make use of such existing official printed registers, books, or matter, certificates, affidavits to be presented, or other official information as may be available and which may appear to said board to be authentic, and upon the completion of the said reproduction said board shall by resolution adopt such reproduced register or book as the register or book of said board, and thereafter the same shall be taken and used to all intents and purposes as well for evidence as otherwise as if the same were the original register or book.

SEC. 3. This act shall take effect immediately.

CHAPTER LXI.

An act to add a new section to the Civil Code to be numbered two hundred and ninety-seven a, relating to articles of incorporation lost or destroyed by conflagration or other public calamity.

[Approved June 16, 1906.]

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

SECTION 1. A new section is hereby added to the Civil Code, to be numbered two hundred and ninety-seven a, and to read as follows:

Corporations.

297a. Whenever the articles of incorporation of any corporation have been, or may hereafter be, destroyed by conflagration or other public calamity, a copy of the certified copy of the articles of incorporation of such corporation filed in the office of the secretary of state pursuant to the provisions of section two hundred and ninety-six of this code, duly certified by such secretary of state, may be filed in the office of the county clerk of the county where such articles of incorporation were on file at the time of their loss or destruction. Any such copy filed pursuant to this section shall have the same force and effect as the document so lost or destroyed.

Restoration of lost original articles of incorporation.

SEC. 2. This act shall take effect immediately.

CHAPTER LXII.

An act enabling the restoration of an assessment roll when the same has been destroyed.

[Approved June 16, 1906.]

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

SECTION 1. Wherever, through loss by fire, or other public calamity, the assessment roll of a city, city and county, county or other political subdivision of the state in course of preparation by the assessor of any city, city and county, county or other political subdivision of the state, shall have been or shall be destroyed and such burnt or destroyed record shall have been reconstructed from such data as is available, it shall be lawful for the assessor at any time prior to the sale for delinquent taxes after such assessment is compiled, to correct any assessment erroneously made, *provided, however*, that any correction so made shall at once be certified to in writing by the assessor, to the tax collector, the auditor and the state controller, *and provided, further*, that the assessor shall enter opposite said assessment on the assessment roll, the date and

Assessment roll restoration of lost.

PROVISO.

nature of said correction. Such change shall be recognized by any city, city and county, county or state official whose duty it is to make or exact a financial statement based on said assessment roll, and in making such settlement any alterations resulting from such changes shall be recognized by such officials.

SEC. 2. This act shall take effect immediately.

CHAPTER LXIII.

An act to amend the Civil Code by adding a new section thereto to be known as section 365, relating to the records, books, bonds, and certificates of stock of corporations, or other papers or documents, which have been lost or destroyed by conflagration or other public calamity.

[Approved June 18, 1906.]

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

Corpora-
tions.

SECTION 1. A new section is hereby added to the Civil Code of the State of California, to be known as and numbered section 365, to read as follows:

Restora-
tion of lost
records,
certificates
of stock,
etc.

365. Whenever it shall appear that the minutes, records, seal, assessment book, stock journal, stock ledger, certificate book, certificate of stock or bonds or other papers or records of any corporation, municipal, quasi or otherwise, in this state, shall have been or shall hereafter be lost or destroyed by conflagration or other public calamity, such corporation, by a vote of its board of directors, or any stockholder or bondholder of such corporation, may petition the superior court of the county, or city and county, in which the principal place of business of such corporation is located, to restore such lost, destroyed, or injured minutes, records, seal, assessment book, stock journal, stock ledger, certificate book, certificate of stock or bonds or other papers or records. Such petition shall state the loss, destruction or injury to any such records or documents or certificates of stock or bonds, or other papers or records, or any part or portion thereof, giving the cause of such loss, injury or destruction. On the filing of such petition, duly verified, said superior court shall make an order, fixing a time and place for the hearing of the same, and directing the clerk of the court to give notice of such a hearing by publication of a notice stating the time and place of the hearing of said petition and the purpose thereof, which time shall not be less than twenty-five nor more than thirty days from the completion of such publication. Notice of such hearing shall be given by publication in some newspaper of general circulation, printed and published in such county, or city and county, where the principal place of business of said corporation

Petition
filed with
court.

Publica-
tion of
notice of
hearing.

is located, and if there be no such newspaper published in said county, or city and county, then in some adjoining county, to be designated by the court or judge thereof, which publication shall be daily (except Sundays) for a period of at least three successive weeks. In case there is no daily newspaper published in either of said counties then such notice shall be published once a week for three successive weeks in a weekly newspaper published in such county. A copy of said notice shall also be personally served upon all persons affected thereby residing in the State of California, whose place of residence or place of business is known to the corporation or any of its officers, if such person can be found within the state, which service may be made at any time during said period of publication. If the place of business or place of residence of any persons affected by said petition or proceeding is unknown to the corporation or any of its officers, within forty-eight hours after the filing of said petition, a copy of said notice shall be mailed to each of the persons affected by said petition or proceeding whose place of residence or place of business is unknown to said corporation or any of its officers, addressed to them, postage prepaid, at the county seat of the county, or county and city, where the place of business of said corporation is located. In addition to the notice by publication, the petitioner shall address a copy of said notice to each of the stockholders of said corporation, and also to each of the persons affected by said petition, whose names and places of residence or business are known to the corporation or any of its officers, at his place of business or residence, postage prepaid, which notice shall be mailed to such stockholders or persons within forty-eight hours after the filing of said petition. The court before proceeding to hear the case, shall require proof to be made that notice has been published and given as hereinbefore required and service of such notice personally if the same has been so served and if the same has not been so served, an affidavit of the petitioner stating the reasons why such personal service has not been made, shall also be then filed. Upon the completion of said publication, said court shall have jurisdiction to inquire into and determine the loss, injury or destruction of such minutes, records, seal, assessment book, stock journal, stock ledger, certificate book, certificates of stock or bonds, or other papers and documents, and to fix and determine by its judgment or decree, the ownership of said certificates of stock or bonds and the persons entitled thereto, and to direct such corporation to restore its records, seal, assessment book, stock journal, stock ledger, certificate book, certificates of stock or bonds or any other paper or record so lost, injured or destroyed, and to issue new bonds or certificates of stock or other paper or document to any person or persons to whom the same may belong or who may be entitled thereto, as determined by the judgment of the court. Any stock, bond or other paper, the ownership of which can not be determined, shall be found by the court, by its judgment, to belong to unknown owners, and in all proceedings of

Service of
notice.

Proof re-
quired of
publica-
tion and
service of
notice.

Jurisdic-
tion of
court.

Judgment
and decree
of court.

Unknown
owners.

Sale of
stock for
delinquent
assess-
ments.

such corporation, including proceedings for assessment of stock, and the collection of such assessment, and the payment of dividends, and notice of sale and sale for delinquent assessments, said stock or dividends shall be so designated as belonging to unknown owners, without giving the name of the owner thereof or the number of the certificate or series or issue.

SEC. 2. This act shall take effect immediately.

CHAPTER LXIV.

An act adding a new section to the Civil Code to be known as section 3415, providing for the proof, establishment, re-issuance, re-execution, and re-acknowledgment of private documents and instruments in writing, where the same have been lost or destroyed by conflagration or other public calamity.

[Approved June 18, 1906.]

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

SECTION 1. A new section is hereby added to the Civil Code to be known as section 3415 to read as follows:

Re-issu-
ance, etc.,
of lost
private
docu-
ments or
instru-
ments.

3415. An action may be maintained by any person interested in any private document or instrument in writing, which has been lost, destroyed or damaged by conflagration or other public calamity, to prove, establish, compel the re-issuance, re-execution, and re-acknowledgment of such document or instrument. If such document or instrument be a negotiable instrument, the court must compel the person in whose favor it is drawn to give a bond executed by himself and two sufficient sureties to indemnify the person re-issuing, re-executing, or re-acknowledging the same against any lawful claim thereon.

SEC. 2. This act shall take effect immediately.

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

CHAPTER I.

Senate Concurrent Resolution No. 2, relative to adjournment.

[Transmitted to Secretary of State, June 11, 1906.]

Resolved by the Senate, the Assembly concurring, That the two houses adjourn *sine die* at twelve o'clock m., on Tuesday, June 12th, 1906. Adjournment of legislature.

CHAPTER II.

Assembly Joint Resolution No. 1, relative to bill pending in the House of Representatives of the United States relating to five per cent of proceeds of sale of public lands.

[Adopted June 12, 1906.]

WHEREAS, There is now pending in the House of Representatives of the United States, Senate Bill No. 1031, the purpose of which is to allow to the State of California five per cent of the net proceeds of the cash sales of public lands in this state, and which passed the United States Senate February 1st, 1906; Resolution relating to five per cent of proceeds of sale of public lands.
and

WHEREAS, The State of California has never received any sum upon such sales, while the other public-land states have received from five to twenty-six per cent of the receipts from the sale of the public domain within their borders; and

WHEREAS, The allowance to California of her percentage upon such sales would be an act of equity, and would, moreover, at this juncture materially aid her to bear the added financial burden entailed by recent disaster to the city of San Francisco,

Resolved, by the Assembly and Senate of the State of California, jointly, That we respectfully request the Honorable Speaker of the House of Representatives to recognize Hon. S. C. Smith, Congressman from the Eighth District of the State of California, to the end that he may call up said Senate Bill No. 1031 for consideration and final action; and

Resolved, That the Secretary of the Senate and the Chief Clerk of the Assembly be directed to transmit immediately a copy of this resolution to the Honorable Speaker of the House of Representatives of the United States.

CHAPTER III.

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the constitution of the state, by amending section eight of article eleven thereof, relating to the amendment, during the period of two years, of the charters of the city and county of San Francisco and the city of San José without ratification by the legislature.

[Adopted June 12, 1906.]

Proposed constitutional amendment.

The legislature of the State of California, at its extraordinary session, commencing on the second day of June, nineteen hundred and six, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that section eight of article eleven of the constitution of the State of California be amended by adding to said section the following:

Charters, amendment of, without ratification by the legislature.

In the city and county of San Francisco and in the city of San José, for and during the period of two years from the date of the adoption of this amendment, the charter of said city and county or city may be amended at any time or times by proposal or proposals therefor, submitted by the legislative authority of the said city and county or city to the qualified electors thereof, at a general or special election held at least five days after the publication of such proposal or proposals for ten days in a daily newspaper of general circulation in said city and county or city and ratified by three fifths of the qualified voters voting thereon; which amendment or amendments when so ratified by such vote shall immediately and without subsequent approval by the legislature become and be in full force and effect, and all acts, proceedings, matters or things done, taken, adopted or performed by any public board, officer, or by any individual or person under such ratified amendments of the charter of the said city and county of San Francisco or city of San José shall be forever as valid and effective as though such amendment or amendments to said charter had been approved by the legislature.

CHAPTER IV.

Senate Joint Resolution No. 3.

[Adopted June 12, 1906.]

Resolution relating to mining claims and amount of money to be annually expended.

WHEREAS, The recent conflagration which destroyed a large portion of the city and county of San Francisco has resulted in withdrawing a large amount of capital annually employed in the State of California in the prospecting for, working and developing mines and has particularly worked a hardship upon those persons who annually contribute a large amount of

money for the performance of the annual labor upon mining claims as required by the provisions of section 2324 of the Revised Statutes of the United States.

Resolved, therefore, by the Senate of the State of California and Assembly jointly, That our Senators and Representatives in Congress use all honorable means to secure the passage of legislation by the present Congress, suspending the operation for the year of 1906 of that portion of the Revised Statutes of the United States, section 2324 thereof, requiring the expenditure annually of one hundred dollars in labor and improvements upon unpatented mining claims, similar legislation having been enacted by Congress in the years 1893 and 1894. Be it therefore,

Resolved, That the Secretary of the Senate be and he is hereby directed to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

CHAPTER V.

Senate Joint Resolution No. 2.

[Adopted June 12, 1906.]

WHEREAS, The hydrographic branch of the Geological Survey has rendered conspicuous service to the people of the United States, and especially of the State of California; and,

Resolution relating to Geological Survey.

WHEREAS, Any reduction in the amount of money appropriated for its maintenance would seriously cripple and reduce the efficiency of its work; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That the Senators and Representatives in Congress from the State of California be, and they are hereby urgently requested to use every honorable means to prevent any reduction in the Sundry Civil Bill of the amount of the appropriation providing for the maintenance of the hydrographic branch of the Geological Survey. The Secretary of Senate is hereby directed to mail a copy of this resolution to the said Senators and Representatives.

CHAPTER VI.

Senate Concurrent Resolution No. 4.

[Adopted June 12, 1906.]

WHEREAS, The people of San Francisco, San José, Santa Rosa and other cities, and, indeed, the whole State of California, owe much to the military forces of the United States and to the National Guard of California for their efficient services rendered since the disaster of April 18, 1906; and

Resolution relating to service of U. S. Army and California National Guard.

WHEREAS, It is fit and proper that recognition should be given in the most public manner, and due acknowledgment made, to the officers and men of both services, of the debt of gratitude owed them by the state; and

WHEREAS, Commencing at an early hour on the morning of April 18th last and continuing down to this date, the troops of the Regular Army, under the command of Major-General A. W. Greely and Brigadier-General Frederick Funston, have been tireless in the work of preserving order, suppressing turbulence, administering relief to the sick and needy, and improving sanitary conditions; and

WHEREAS, The troops of the Second Brigade of the National Guard of California, were also on duty from an early hour of the first day of the great disaster, and the other brigades, as soon as they could be transported to the points where they were most needed, under the command of Adjutant General J. B. Lauck, were also on duty, and continued in the faithful performance of duty until such time as their presence was no longer needed. And while a great city was in flames and hundreds of thousands of people had suddenly been rendered homeless, the conduct of the officers and men of the National Guard was in the highest degree soldierly, efficient and creditable; be it

Resolved, That the people of the State of California through its representatives in Senate and Assembly assembled, hereby makes public recognition of its grateful appreciation of the services rendered by the officers and men of the Regular Army and the National Guard in one of the greatest calamities that ever convulsed a brave, a resolute and a resourceful people.

CHAPTER VII.

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending article thirteen thereof by striking therefrom and repealing section five of said article, relative to contracts for the payment of taxes or assessments on money loaned or on mortgages, deeds of trust or other liens.

[Adopted June 12, 1906.]

Proposed
constitu-
tional
amend-
ment.

The legislature of the State of California, at its extraordinary session, commencing on the second day of June, 1906, two thirds of all the members voting in favor thereof, hereby propose that article thirteen of the constitution of the State of California be amended by repealing section five thereof.

Article thirteen of the constitution of the State of California is hereby amended by striking therefrom and repealing section five thereof, which section reads as follows:

Mortgage,
etc., tax.

Section 5. Every contract hereafter made, by which a debtor is obligated to pay any tax or assessment on money loaned,

or on any mortgage, deed of trust, or other lien, shall, as to any interest specified therein, and as to such tax or assessment, be null and void.

CHAPTER VIII.

Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to Article XI of the constitution of California, by amending section eighteen thereof, relating to the power of counties, cities, cities and counties, towns, townships, boards of education and school districts, to incur indebtedness.

[Adopted June 12, 1906.]

Resolved, by the Senate, the Assembly concurring, That the legislature of the State of California, at its special session, commencing on the second day of June, A. D., 1906, two thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes that section eighteen of Article XI of the Constitution of California be amended by adding at the end thereof the following:

Proposed
constitu-
tional
amend-
ment

The city and county of San Francisco, the city of San José and the town of Santa Clara may make provision for a sinking fund, to pay the principal of any indebtedness incurred, or to be hereafter incurred, by it, to commence at a time after the incurring of such indebtedness of not more than a period of one fourth of the time of maturity of such indebtedness, which shall not exceed seventy-five years from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void.

Incurring
of indebt-
edness by
certain
cities.

CHAPTER IX.

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending article eleven thereof by adding thereto a new section to be numbered twenty, relating to the conferring, for the period of two years, of certain powers and rights on the city and county of San Francisco relative to streets, parks, boulevards, reservoirs and lands now owned or hereafter acquired by it, and the uses thereof.

[Adopted June 12, 1906.]

The legislature of the State of California, at its extraordinary session, commencing on the second day of June, nineteen hundred and six, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that article eleven of the constitution of the State of

Proposed
constitu-
tional
amend-
ment.

California be amended by adding a new section thereto, to be known as and numbered twenty, and to read as follows:

Powers of
San
Francisco
relating to
streets,
parks,
boule-
vards, etc.

Section 20. For and during the period of two years from the date of the adoption hereof, the city and county of San Francisco, by ordinance adopted by a two-thirds vote of its board of supervisors and approved by its mayor, may acquire, by purchase, condemnation, or donation, lands to be used for streets, parks, boulevards, reservoirs or esplanades, or may acquire, by purchase, condemnation or donation, lands to be exchanged for lands to be used for streets, parks, boulevards, reservoirs or esplanades, and may sell, or may exchange, lands now used or hereafter to be acquired by it for streets, boulevards, reservoirs, or esplanades for other lands to be used for the same or similar purposes; and may sell, or exchange for other lands to be used for the same, or similar purposes, any lands now or heretofore used by it, as sites for public or municipal buildings, and may change, widen or extend the lines of its streets; and, where made necessary by the changing, widening, extension, or closing, in whole or in part of any such streets, may change the lines or routes of any pipe, pipe lines, conduits or wires heretofore constructed or laid under the privilege granted by Section 19 of Article XI of this Constitution by any person, firm or corporation in or upon any of such streets, and may alter the terms of any such privilege now or heretofore held or enjoyed by any person, firm or corporation, on any street so changed, widened, extended or closed, only to the extent of changing the lines or routes of any such pipe, pipe lines, conduits or wires from the street so closed to the street opened, established or widened by reason of such change; *provided*, that no lands now owned by said city and county of San Francisco shall be sold or exchanged unless such sale or exchange shall first be authorized by a majority of the voters of said city and county voting thereon, at a special election called for the purpose of such authorization, but this shall not be construed to prevent any exchange of such lands acquired by the said city and county after the date of the adoption by the legislature of the resolution submitting this amendment to the people, for street purposes as herein provided; *provided, further*, that no existing public park or square, or any part thereof, shall be sold or exchanged under the provisions hereof, *and also provided* that nothing in this section contained shall be so construed as to confer upon the board of supervisors any power or authority, beyond that at this date possessed by it, to extend the term or time of existence, or conditions, of any privilege or franchise. In all cases proper compensation shall be allowed for all property or rights taken, acquired, or affected by such action. No property or rights shall be taken without the consent and concurrence of persons owning the same, except under the right of eminent domain and according to law. *Provided*, that the city and county of San Francisco, by ordinance adopted as above, may, at any time within two years from the adoption of this amendment, donate to the State of California, any lot of land now owned or here-

after acquired by said city and county as a site for the erection of a building for state officers in said city and county, or may lease to said state for a term not exceeding ninety-nine years a lot for that purpose.

CHAPTER X.

Assembly Concurrent Resolution No. 5, relating to printing the laws, amendments to the codes and proposed constitutional amendments for free distribution by the secretary of state.

[Adopted June 12, 1906.]

Resolved by the Assembly, the Senate concurring, That the superintendent of state printing be instructed to cause to be printed an edition of five thousand copies of the laws, amendments to the codes, and proposed constitutional amendments passed at this extra session, to be indexed by the secretary of state, the same to be stitched and paper covered, and to be delivered to the secretary of state for free distribution, twenty of which said copies he shall send to each member of the senate and assembly; also, in addition to these five thousand copies, the superintendent of state printing be instructed to print in chapter form, forty thousand copies of either Assembly Bill No. 34 or Senate Bill No. 19, relating to the annual license tax upon corporations, should either bill pass and become a law; fifteen hundred copies of either Assembly Bill No. 16 or Senate Bill No. 13, relating to the refunding of money to certain corporations, should either bill pass and become a law, and two hundred and fifty copies of all other chapters and proposed constitutional amendments for free distribution by the secretary of state, all of which shall be paid for out of the appropriation for legislative printing.

Resolution relating to publication and distribution of laws.