

# CALIFORNIA LEGISLATURE—SENATE.

## THIRTY-SEVENTH (EXTRA) SESSION.

### IN SENATE.

SENATE CHAMBER,

Tuesday, November 19, 1907.

The Senate met at ten o'clock A. M., in pursuance to the proclamation of His Excellency J. N. Gillett, Governor of the State of California, dated November 15, 1907, convening the Legislature of the State of California in extraordinary session.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair, by virtue of Section 238, Article II, of the Political Code.

Pursuant to Section 237, of Article II, of the Political Code, Lewis A. Hilborn, Secretary of Senate; G. Ray Horton, Minute Clerk, and J. Louis Martin, Sergeant-at-Arms, were present, and occupied their respective positions.

Lieutenant-Governor Warren R. Porter now called the Senate to order.

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

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—34.

Quorum present.

### LEAVES OF ABSENCE.

Senator Miller was, on motion of Senator Leavitt, granted leave of absence for this day.

Senator Irish was, on motion of Senator Lukens, granted leave of absence for this day.

Senator Cartwright was, on motion of Senator Price, granted leave of absence for this day.

Senator Weed was, on motion of Senator Curtin, granted leave of absence for this day.

### PRAYER.

Prayer was offered by Rev. C. H. Darling.

### PROCLAMATION OF THE GOVERNOR.

The President directed the Secretary, Lewis A. Hilborn, to read the proclamation by the Governor convening the Legislature in extraordinary session.

Whereupon, the Secretary read the following proclamation:

PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION.

STATE OF CALIFORNIA.

EXECUTIVE DEPARTMENT. }

WHEREAS, An extraordinary occasion having arisen, and now existing, requiring the Legislature of the State of California to convene:

NOW, THEREFORE, I, James N. Gillett, Governor of the State of California, by virtue of the power and authority in me vested by section nine, 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, on Tuesday, the nineteenth day of November, Anno Domini one thousand nine hundred and seven, at ten o'clock A. M. of that day, for the purpose of enacting laws and taking legislative action upon the following subjects, to wit:

1st. An Act to add a new section to the Political Code of the State of California relating to the postponing of the collection of payment of taxes, the postponing of delinquency for non-payment of same, the postponing of penalties, forfeitures, or fines for non-payment of the same, the postponing of entry of penalty for such delinquency, the postponing of time of preparing delinquent lists for unpaid taxes, and the duties of all persons and public officers in connection therewith in the event of general financial stringency.

2d. To amend section ten of the Political Code, sections ten, one hundred and thirty-four, and one hundred and thirty-five of the Code of Civil Procedure, and section seven of the Civil Code, in reference to legal holidays, by providing for special holidays which may, by proclamation, be called by the Governor, and declaring what judicial acts may be performed by the courts during the continuance thereof.

3d. To approve a proposed amendment to the Charter of the City and County of San Francisco, State of California, ratified by a majority of the qualified electors thereof, at a general election held in said city on Tuesday, November fifth, nineteen hundred and seven, amending Sections 10 and 12 of Article XII and Section 29 of Article XVI of said Charter, relating to bond issues, et cetera

4th. To approve a proposed amendment to the Charter of the City and County of San Francisco, State of California, ratified by a majority of the qualified electors thereof, at a general election held in said city on Tuesday, November fifth, nineteen hundred and seven, amending Section 2 of Chapter III of Article IV, relating to the custody by the treasurer of public funds, and authorizing their deposits in certain banks upon certain terms and conditions.

5th. To approve a proposed amendment to the Charter of the City and County of San Francisco, State of California, ratified by a majority of the qualified electors thereof, at a general election held in said city on Tuesday, November fifth, nineteen hundred and seven, amending Chapters 7, 8, 4, and 3 of Article IX thereof, relative to the composition of the personnel of the companies of the Fire Department and the salaries and vacations of the members thereof.

6th. To approve a proposed amendment to the Charter of the City and County of San Francisco, State of California, ratified by a majority of the qualified electors of said city, at a general election held therein on Tuesday, November fifth, nineteen hundred and seven, amending Section 1 of Chapter V of Article VIII and Section 1 of Chapter VI of Article VIII, relative to salaries of members of the Police Department.

7th. To provide for expenses incurred by the Adjutant-General during the months of May, June, and July, nineteen hundred and seven, arising and growing out of the labor troubles and strikes in the City of San Francisco, and to pay members of the National Guard for services rendered at that time

8th. To remove Andrew M. Wilson from the office of Railroad Commissioner, on the ground of corruption and incompetency on the part of the said Wilson.

9th. To amend section five of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

10th. To appropriate money for the contingent expenses of the Governor's office.

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, at Sacramento, this fifteenth day of November, in the year of our Lord the one thousand nine hundred and seventh, and of the admission of the State of California the fifty-seventh.

[SEAL ]

J. N. GILLETT,  
Governor of the State of California

ATTEST:

C. F. CURRY,  
Secretary of State.

## RESOLUTIONS.

The following resolutions were offered:

By Senator Leavitt:

*Resolved*, That the Senate do now organize and proceed to elect the officers and employés of the Senate for this extra session.

Resolution read and adopted.

By Senator Willis:

*Resolved*, That Hon. Edward I. Wolfe be and he is hereby elected President pro tem. of the Senate. That Lewis A. Hilborn be and he is hereby elected Secretary of the Senate. That J. Louis Martin be and he is hereby elected Sergeant-at-Arms of the Senate. That G. Ray Horton be and he is hereby elected Minute Clerk of the Senate. That Rev. C. H. Darling be and he is hereby elected Chaplain of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Whereupon the President declared each person named in the foregoing resolution duly elected.

By Senator McCartney:

*Resolved*, That the Standing Rules of the thirty-seventh regular session be and the same are hereby adopted as the rules of the Senate at this special session, except that Paragraph VIII be amended to read as follows:

“VIII. The standing committees of the thirty-seventh regular session shall be the standing committees of this extra session.”

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

By Senator Wright:

*Resolved*, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and ready to proceed to the business of the State, having elected the following statutory officers:

President pro tem.—Edward I. Wolfe.

Secretary of the Senate—Lewis A. Hilborn.

Sergeant-at-Arms—J. Louis Martin.

Minute Clerk—G. Ray Horton.

Chaplain—C. H. Darling.

Resolution read and adopted.

By Senator Wolfe:

*Resolved*, That a committee of three Senators be appointed by the President of the Senate to notify the Governor of the organization of the Senate, and that the Senate is now ready for business and to receive any communications he may have to make.

Resolution read and adopted.

## APPOINTMENT OF COMMITTEE TO WAIT UPON GOVERNOR.

In compliance with the above resolution, the President of the Senate appointed Senators Wolfe, Lukens, and Curtin as such committee.

## RECESS.

At ten o'clock and twenty-five minutes A. M., on motion of Senator Leavitt, the President declared the Senate at recess until ten o'clock and thirty-five minutes A. M., of this day.

## RECONVENED.

At ten o'clock and thirty-five minutes A. M., the Senate reconvened. Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

## REPORT OF COMMITTEE TO WAIT UPON GOVERNOR.

MR. PRESIDENT: Your committee of three, appointed to wait upon the Governor, respectfully beg leave to report that they have informed him that the Senate is organized and is ready for business.

WOLFE, Chairman.

## MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received, and, on motion of Senator Leavitt, were read and ordered printed in the Journal:

## GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT. STATE OF CALIFORNIA,  
SACRAMENTO, November 19, 1907.

*To the Senate and Assembly of the State of California, convened in Special Session :*

At the most urgent request of clearing houses, banking institutions, civic bodies, and many prominent business men from all parts of the State, I have called you together for the purpose of enacting certain legislation which is believed to be imperative because of the most unusual financial stringency existing to-day in the State, brought about by conditions existing in the East.

The specific purposes for which you have been called together appear in a proclamation issued by me on Friday, the 15th instant, copies of which will be placed before you.

Several of these purposes I desire herein to call to your special attention, and I ask your careful consideration of them.

It is very important that the finances of this State should reach a normal condition as speedily as possible, and there is every reason to believe that this will be so, if our people are patient and will view the situation philosophically and take no steps to embarrass the banking institutions of this State, that are now using every effort possible to restore confidence and to replace the reserves that for several months have been depleted by reason of the movement of crops and by the action of timid depositors who have withdrawn their money and hoarded it.

The country generally is very prosperous, our State is particularly so, and there is no reason why this prosperity should not continue. Legitimate business never was better. The farmers in every state have been blessed with large crops for a number of years, for which they have received good prices. All the wheels of industry are turning, trying to supply the enormous demands made upon them. All labor is employed at the highest wages ever known and the merchants have been enjoying a large trade. There is no poverty in the land, yet in the midst of plenty, and apparently on a most solid basis, and with more money in the country and a larger per capita than we ever enjoyed before, the nation finds itself in the throes of a money panic.

It is quite evident that there must be some cause for this condition of affairs, and it is found in the extravagant living, wild speculation, the effort to get rich quickly by giving nothing for something, the frenzied finance of the stock and bond manipulators of Wall street, and the attempt, dishonestly and by misrepresentation, to float all manner of enterprises upon a sea of water. These are the things which have been mostly, if not entirely, responsible for the present financial stringency, and it is only the unparalleled prosperity, distributed among the masses, that saved us from financial ruin.

Our banking laws need to be amended so as to afford better protection to the depositor. The large trust companies and corporations doing an interstate business should be placed under Federal supervision and subject to Federal laws, and if there is no authority for this under the present Constitution, then the Constitution should be amended so as to grant such power.

I suggest that the Legislature appoint a committee to investigate the methods of doing banking business in this State, and to report thereon at the next regular session, together with such recommendations and changes in the law as such committee may deem necessary.

To-day our banks have large balances due them from the East, amounting to millions of dollars, which have accumulated there by reason of the movement of our crops to that market. Most of this money should, in the due course of business, have been paid by this time, but because of the financial conditions existing in New York and other Eastern cities, our bankers are unable to secure the balances due them, payment having been temporarily refused.

This, together with the fact that for several months large sums have been withdrawn from the banks and hoarded, had greatly depleted the cash reserve which the banks usually carry, and with which the business of our State is carried on. The effect is that money can not be secured with which to pay the first installment of taxes without reducing the reserves to such an extent as to seriously imperil our financial, commercial and industrial interests, thereby jeopardizing the business of the State. In fact, many who have depended upon the banks to supply money to pay taxes can not pay their taxes at all. Unless some relief is granted the delinquent list will be large, and many of our citizens will suffer a heavy penalty, and so much money will be taken out of circulation at a time when none can be spared as to threaten the very business prosperity of the people. This relief can come by enacting a law authorizing the Governor, during a great financial stringency, to issue a proclamation extending the payment of taxes for a short period of time. Such a bill will be presented to you for your consideration and I desire you to give it your most earnest attention.

The financial conditions have been such that it was necessary to declare legal holidays in order to protect our business interests. Other states for the same reason have also declared holidays. While it has been necessary and wise to declare them, still the business of the courts has suffered and there has resulted loss and great inconvenience to many of our citizens. It is possible to declare holidays to protect our financial and commercial interests and still leave the courts open to dispatch a large variety of necessary business. Therefore the law should be amended so that during holidays declared by a proclamation issued by the Governor the courts may remain open for the prosecution of all criminal actions and proceedings, to conclude any action pending and on trial; in all suits for injunctions; to quiet title to real property; for partition, condemnation proceedings, forcible entry and detainer or unlawful detainer; replevin; ejectment; divorce, probating of estates of deceased persons, and many other matters not necessary to mention.

This change of our laws I deem very necessary, and I trust the Legislature will pass suitable legislation to that end. The law as it now applies to regular and fixed holidays should remain as it is, the change being made only in reference to what may be termed special holidays declared by the Governor's proclamation.

Several proposed amendments to the charter of the City and County of San Francisco, which were ratified by the qualified electors of said city at a recent election held therein, will be submitted to you for your approval. One of such amendments is of particular importance to the city, and relates to the issuance and sale of bonds for municipal improvements, and in view of the great need of such improvements in San Francisco, it is very important that this amendment should be approved by the Legislature.

Among these improvements of which San Francisco is urgently in need are: an auxiliary water system for fire protection and for sanitary and flushing purposes; construction and repair of its sewer system; the construction of a city and county hospital, the repaving of accepted streets; the reconstruction of school houses destroyed by fire and earthquake; the construction of a new City Hall, Hall of Justice, and other public buildings. The estimated cost of these improvements amounts to about \$28,000,000, and the money to build the same must be raised by a bond issue. The necessity for making these improvements alone is sufficient to warrant the calling of an extra session of the Legislature, and I apprehend that there will be no doubt in your minds about approving this amendment as well as several others which will be submitted to you.

At the last general State election A. M. Wilson of San Francisco was elected to the office of Railroad Commissioner from the Second District. Mr. Wilson has, on several occasions, confessed to having received bribes while a public officer, and to-day an indictment stands against him for committing the very crime for which he stands confessed. The Constitution provides that the Legislature may, by a two-thirds vote, remove a Railroad Commissioner for dereliction of duty, or corruption, or incompetency. In the proclamation convening this special session, your attention has been called to Mr. Wilson. He is charged therein with corruption and incompetency, and you are requested to investigate the charges. The procedure is left to you, and I have performed my duty by calling your attention to the matter and requesting an investigation at your hands. I feel confident that if you find the charges to be true you will have no hesitancy in pronouncing a proper verdict.

I trust that you will take up as speedily as possible the several matters set forth in the proclamation calling this special session, and act upon the same. It is very

desirable that the session should not continue longer than is necessary and that every effort be made to keep down expenses to the minimum.

J. N. GILLETT,  
Governor of California.

Also :

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, November 19, 1907.

*To the Senate and Assembly of the State of California :*

I have just received the following :

"November 18, 1907.

"*To the HON. JAMES N. GILLETT, Governor of California.*

"SIR: I hereby tender my resignation as a Railroad Commissioner for the Second District.

"Yours respectfully,

"ANDREW M. WILSON."

I immediately accepted the resignation, and have so advised Mr. Wilson.

In my judgment, further proceedings looking to the removal of Mr. Wilson from office, are unnecessary.

J. N. GILLETT, Governor.

RECESS.

At ten o'clock and fifty-five minutes A. M., on motion of Senator Leavitt, the President declared the Senate at recess until two o'clock and thirty minutes P. M., of this day.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

#### APPOINTMENTS BY THE PRESIDENT OF THE SENATE.

The President announced that, by the authority vested in him, he had appointed the following as Porters and Pages:

*Porters*—George W. Mercer, W. Gamble, C. T. Needham, and M. Levy.  
*Pages*—J. Diggs, Wallace Strait, Miller McBride, and Carlton Pierson.

#### APPOINTMENTS BY THE SECRETARY OF THE SENATE.

*To the Officers and Members of the Senate of the State of California*

I have the honor to inform you that I have this day appointed J. W. Kavanagh and F. Cox to the positions of Assistant Secretaries, and respectfully ask the consent of the Senate thereto.

LEWIS A. HILBORN,  
Secretary of the Senate.

On motion of Senator Leavitt, the Senate consented to the above appointments by the Secretary of the Senate

#### APPOINTMENT BY SERGEANT-AT-ARMS OF THE SENATE.

*To the Officers and Members of the Senate of the State of California*

I have the honor to inform you that I have appointed H. P. Travers, Bookkeeper to the Sergeant-at-Arms, and respectfully ask the consent of the Senate thereto.

J. LOUIS MARTIN,  
Sergeant-at-Arms.

On motion of Senator Leavitt, the Senate consented to the above appointment by the Sergeant-at-Arms.

## RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

*Resolved*, That the following named persons be hereby elected to the statutory positions at the per diem set opposite their respective names:

J. G. McCall, Assistant Sergeant-at-Arms.....	\$5 00
J. P. Fraser, Assistant-Sergeant-at-Arms.....	5 00
O. W. Dunham, Assistant Minute Clerk.....	6 00
J. B. Horton, Assistant Minute Clerk.....	6 00
C. S. Milnes, Journal Clerk.....	6 00
John Heilman, Assistant Journal Clerk.....	5 00
L. A. Pfeiffer, Enrolling and Engrossing Clerk.....	6 00
M. Andrews, Assistant Enrolling and Engrossing Clerk.....	5 00
J. Bauer, History Clerk.....	6 00
Samuel Brunswick, Bill Filer.....	4 00
John Deveraux, Messenger to State Printer.....	3 00
J. J. McCarthy, Gatekeeper.....	3 00
Geo. T. Allender, Gatekeeper.....	3 00
J. A. Vivartas, Gatekeeper.....	3 00
M. E. Waldren, Watchman.....	3 00
Frank P. Christophel, Watchman.....	3 00
Miss Leslie Contner, Stenographer.....	5 00
W. N. Cumming, Stenographer.....	5 00
Lorena MacIntyre, Stenographer.....	5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—34.

**NOES**—Senator Caminetti—1.

Whereupon the President declared each person named in the foregoing resolution duly elected.

## REGULAR ORDER OF BUSINESS.

Senator Leavitt moved that the Senate do now proceed with the regular order of business.

Motion carried.

## INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Wolfe: Senate Concurrent Resolution No. 1—Relative to approving four certain amendments to the charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco at a general municipal election held therein on the fifth day of November, 1907.

Senate Concurrent Resolution referred to Committee on Municipal Corporations.

By Senator Curtin: Senate Bill No. 1—An Act to amend Section 10 of the Political Code, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 2—An Act to amend Section 7 of the Civil Code, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 3—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

By Senator Price: Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 5—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June and July, 1907.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years in addition to such sums as have been heretofore appropriated.

Bill read first time, and referred to Committee on Finance.

By Senator Welch: Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds, and providing for a submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act, to be numbered Section 10½, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Wright: Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rolley: Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

By Senator McCartney: Senate Bill No. 10—An Act to amend Section 134 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lukens: Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 3900a, relating to the postponing of the collection or payment of taxes, the postponing of delinquency for non-payment of same, the postponing of penalties, forfeitures or fines for non-payment of same, the postponing of entry of penalty for such delinquency, the postponing of time of preparing delinquent lists for unpaid taxes, and the duties of all persons and public officers in connection therewith, in the event of general financial stringency.

Bill read first time, and referred to Committee on Judiciary.

By Senator Carter: Senate Joint Resolution No. 1—Relative to the passage of an Act by Congress suspending the provisions of Section 2324



of the Revised Statutes of the United States, relative to annual work on mining claims.

Senate Joint Resolution referred to Committee on Judiciary.

RUSH ORDERS TO PRINTER.

On motion of Senator Lukens, the Secretary was directed to issue a rush order for the printing of Senate Bills Nos. 1 to 11 inclusive, Senate Concurrent Resolution No. 1, and Senate Joint Resolution No. 1.

ASSEMBLY MESSAGE.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 19, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day adopted the following resolution:

*Resolved*, That the Chief Clerk be and he is hereby instructed to inform the Senate that the Assembly is in session pursuant to the proclamation of His Excellency, the Governor, dated Friday, November 15, 1907, and ready for the transaction of legislative business with the following officers, to wit

Speaker—R. L. Beardslee.

Speaker pro tem.—J. P. Transue.

Chief Clerk—Clio Lloyd.

Sergeant-at-Arms—John T. Stafford.

Assistant Clerks—T. G. Walker, W. H. Wright, H. E. Miller.

Journal Clerk—R. L. Dempsey.

Minute Clerk—H. A. Harper.

Chaplain—P. H. Willis.

CLIO LLOYD, Chief Clerk

QUESTION OF PERSONAL PRIVILEGE.

Senator Anthony arose to a question of personal privilege and spoke at length.

ADJOURNMENT.

At three o'clock and thirty minutes P. M., on motion of Senator Wolfe, the President declared the Senate adjourned.

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IN SENATE.

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SENATE CHAMBER,

Wednesday, November 20, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

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

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. C. H. Darling.

## READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, November 19, 1907, the further reading was dispensed with, on motion of Senator Weed.

## REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

## ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 1—Relative to approving four certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco at a general municipal election held therein on the fifth day of November, 1907—have had the same under consideration, and respectfully report the same back with the recommendation that it be adopted.

SAVAGE, Chairman.

## CONSIDERATION OF CONCURRENT RESOLUTION.

Senator Wolfe moved that Senate Concurrent Resolution No. 1 be taken up for consideration.

Motion carried.

## SENATE CONCURRENT RESOLUTION NO. 1.

Approving four certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco, at a general municipal election held therein on the fifth day of November, 1907.

WHEREAS, The City and County of San Francisco, State of California, contains a population of over three hundred and forty thousand inhabitants, and has been ever since the eighth day of January in the year one thousand nine hundred, and is now organized and acting under a Freeholders' Charter, adopted under and by virtue of Section Eight of Article Eleven of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City and County at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the Legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (Statutes of 1899, page 241), and which Charter was not amended within an interval of two years immediately prior to the fifth day of November, one thousand nine hundred and seven; and

WHEREAS, The legislative authority of said City and County, namely the Board of Supervisors thereof, duly proposed to the qualified electors of the City and County of San Francisco, twenty-one certain amendments to the Charter of said City and County of San Francisco by the submission of twenty-one proposals, entitled, as follows, to wit:

Charter Amendment No. 1, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 10 and 12 of Article XII, and Section 29 of Article XVI thereof, relating to bonds issued for the acquisition of public utilities and the character of such bonds, the registration thereof, and the levy of taxes to provide for the interest thereon and a sinking fund therefor, and to bonds issued for the acquisition of land or lands and the construction or acquisition of any permanent building or buildings, improvement or improvements, and the character and registration of such bonds and the proceedings for the issuance thereof."

Charter Amendment No. 2, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Chapter 1 of Article II thereof a new section to be numbered 23, relating to the recall of elected officers."

Charter Amendment No. 3, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 12 of Chapter 1 of Article III thereof, relating to the apportionment of the income and revenue of the several funds and a provision for income to pay interest on the bonded indebtedness and provide for the sinking funds."

Charter Amendment No. 4, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California,

to amend the Charter of said City and County by amending Section 2 of Chapter III of Article IV thereof, relating to the custody by the Treasurer of public funds and authorizing their deposit in certain banks upon certain terms and conditions."

Charter Amendment No. 5, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 21 of Chapter 1 of Article VI thereof, relating to contracts entered into by the Board of Public Works of the City and County, and bonds to be given in connection with the same, and the character, terms and conditions of such contracts, and permitting progressive payments to be provided for thereon, upon certain terms and conditions."

Charter Amendment No. 6, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Article V thereof, relating to the bonds of officers of the City and County."

Charter Amendment No. 7, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 8 of Chapter 1 of Article III thereof, relating to the appropriation by the Supervisors of said City and County for urgent necessities not otherwise provided for by law."

Charter Amendment No. 8, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Chapters 8, 4 and 3 of Article IX thereof, relative to the composition of the personnel of the companies of the Fire Department and the salaries and vacations of the members thereof."

Charter Amendment No. 9, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding three new sections thereto, to be known as Sections 14, 15 and 16 of Article XII thereof, relating to the power of the City and County to acquire, operate, maintain, sell or lease public utilities; relating to the acquisition of lands for water purposes, and relating to the disposition of the rents received from public utilities and the keeping of accounts relative to such public utilities."

Charter Amendment No. 10, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Chapter 2, Article II thereof, a new section to be known and numbered as Section "9," relating to the sale of lands by the City and County."

Charter Amendment No. 11, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Section 20, Chapter III, Article VI of said Charter, and by adding a new Chapter to said Article of said Charter, to be known and designated as Chapter 6 thereof, all relating to the change or modification of street grades and the performance of street work in connection therewith."

Charter Amendment No. 12, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Sections Nos 1 to 19 inclusive of Chapter III of Article VI of said Charter and by adding new sections to said Chapter of said Article of said Charter, to be known and designated as Sections 1 to 19 inclusive thereof, all relating to the opening, extending, widening, straightening or closing up of streets and the performance of street work in connection therewith, and the condemnation and acquisition of land and property necessary therefor."

Charter Amendment No. 13, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 5 of Article 1 thereof, relating to the liability for damages of said City and County and its officials."

Charter Amendment No. 14, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending subdivision 11 of Section 1 of Chapter III of Article VII thereof, relating to the leasing of real property of the School Department."

Charter Amendment No. 15, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 3 of Section 1, of Chapter II, of Article II thereof, relating to the powers of the Supervisors of said City and County to grant permits for spur or side tracks and running cars thereon on any public street or portion thereof within said City and County."

Charter Amendment No. 16, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Chapter III of Article II thereof, relating to official advertising."

Charter Amendment No. 17, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California,

to amend the Charter of said City and County by amending subdivision 14. of Section 1. of Chapter II, of Article II thereof, relating to the regulation of telephone charges."

Charter Amendment No. 18, entitled "Describing and setting forth an amendment to the Charter of the City and County of San Francisco, State of California, by amending Section 1 of Article XIV thereof, and by adding thereto a new article, to be known and numbered as Article XIV-A, relating to children's playgrounds and public recreation centers outside of Golden Gate Park, and creating a Playground Commission."

Charter Amendment No. 19, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 1 and 2 of Article X thereof, relating to the Department of Public Health."

Charter Amendment No. 20, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 1 of Chapter V of Article VIII, and Section 1 of Chapter VI of Article VIII, thereof, relative to the salaries of members of the Police Department."

Charter Amendment No. 21, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Sections 2 and 3 of Chapter IX, Article IX of the Charter of said City and County, relative to the salaries of the Chief and of the employees of the Department of Electricity." And

WHEREAS, Said twenty-one proposals aforementioned containing said proposed amendments to said Charter were, in accordance with the provisions of Section Eight of Article Eleven of the Constitution of the State of California, published for twenty days after their passage, in "The Evening Post," a daily newspaper of general circulation in the City and County of San Francisco, and the official newspaper of said City and County; and

WHEREAS, The said legislative authority of said City and County, did by Resolution No. 1308 (New Series) of the Board of Supervisors, passed September 16, 1907, instruct the Board of Election Commissioners of said City and County to place upon the ballot at a general municipal election to be held in said City and County of San Francisco on the Fifth day of November, One Thousand Nine Hundred and Seven, the said twenty-one several proposals to amend the Charter of the City and County of San Francisco; and

WHEREAS, Said general municipal election was held in said City and County of San Francisco on the Fifth day of November One Thousand Nine Hundred and Seven, which day was more than forty days after said proposed amendments had been published for Twenty days in "The Evening Post" newspaper; and

WHEREAS, On the Eleventh day of November One Thousand Nine Hundred and Seven and thereafter, at meetings duly convened in accordance with law, and the Charter of the City and County of San Francisco, the Board of Election Commissioners of the said City and County duly and regularly canvassed the returns of said general municipal election, and duly declared the results thereof, said Board being by law and the Charter authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in said City and County; and

WHEREAS, At said general municipal election so held on the Fifth day of November One Thousand Nine Hundred and Seven, twenty of said proposed amendments were ratified by a majority of the electors voting thereon, and one of said proposed amendments received less than a majority of the votes of said electors; and

WHEREAS, Thereafter, to wit, on the Fifteenth day of November One Thousand Nine Hundred and Seven, the said Board of Election Commissioners duly filed with the Board of Supervisors the "Official Statement of Votes" polled at the General Municipal Election held in the City and County of San Francisco, State of California, on Tuesday, the Fifth day of November, A. D. 1907, for Charter Amendments \* \* \* and also filed a duplicate thereof in the Office of the Secretary of State of California; and

WHEREAS, The Governor of the State of California by virtue of the power and authority vested in him by Section Nine, Article Five of the Constitution of the State of California has convened the Legislature to meet and assemble in extraordinary session on Tuesday, the Nineteenth day of November, A. D. 1907, for the purpose among other things, of taking legislative action upon the four amendments to the Charter of the City and County of San Francisco hereinafter set forth; and

WHEREAS, The said four amendments so ratified by the Electors of the City and County of San Francisco at said General Municipal Election are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section Eight of Article Eleven of the Constitution of the State of California, and are in words and figures as follows, to wit:

That Section 10 of Article XII of the Charter be amended to read as follows:

SECTION 10 The bonds issued under the provisions of this article shall be of such form as the Supervisors in the ordinance calling the election therefor shall determine; but such bonds shall be payable, interest and principal, in gold coin of the United States. The interest on such bonds shall not exceed 5 per cent per annum, and they shall be redeemed at such times and in such amounts as the

Supervisors shall determine, as set forth in the ordinance calling the special election; *provided*, that redemption of such bonds shall begin in not more than eighteen years and shall be completed in not more than seventy-five years from the date of the issue.

The bonds so issued shall be exempt from all taxation for municipal purposes and shall be issued in denominations of not less than ten dollars and not more than one thousand dollars, and preference in the sale and allotment thereof shall be given to subscribers for the smallest amounts and the lowest denominations.

The Supervisors shall fix the times and places at which the payment of interest or principal may be made.

Such bonds when issued may be sold by the Supervisors from time to time, as required, and in such quantities as they may determine. When such bonds are offered for sale they shall be advertised in the official paper and otherwise if so ordered by the Supervisors and sealed proposals for the purchase of the whole or any part thereof offered shall be opened at the time specified in such advertisements. All proposals for the purchase of such bonds shall be accompanied by a deposit of 5 per cent of the amount bid in lawful money of the United States or by a deposit of a certified check payable to the Clerk of the Board of Supervisors of the City and County for a like sum, *provided* that no deposit need exceed the sum of ten thousand dollars, and that no deposit need be given by the State of California, which money or check shall be forfeited by the bidder in case he fails to accept and pay for the bonds bid for by him if his bid is accepted. Bonds shall be sold to the highest bidder for not less than par, but the Supervisors shall have the right to reject any or all bids made for the purchase thereof. If less than the amount of bonds offered shall be sold, the Supervisors may, with the concurrence of fourteen members and the Mayor, place such unsold bonds on sale at the City Treasury, or at branches thereof established by the Treasurer for public convenience; and such bonds may be sold to any applicant at such prices as may be fixed by the Supervisors, *provided* that such prices shall not be less than par and accrued interest.

The proceeds of any sale of bonds shall be placed in the treasury to the credit of the proper fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issue until such objects are fully accomplished; after which, if any surplus remains, such surplus may be transferred to the general fund, except that if such surplus exceeds the sum of two thousand dollars, then such surplus and the whole thereof shall be transferred to the appropriate fund or funds to pay the interest and maintain the sinking fund or provide for the retirement of the bonded indebtedness in connection with which such surplus remains.

If the bonds or any of them offered for sale shall remain unsold the Supervisors may so declare, and may, with the concurrence of fourteen members and the Mayor, cancel such unsold bonds, *provided* that no bonds shall be canceled as aforesaid unless the same have been offered for sale by advertisement, as above provided, at least three separate times at intervals of not less than thirty days, and *provided* that no such bonds shall be canceled by the Supervisors as aforesaid for which par or above has been bid by any bona fide responsible bidder or bidders.

The provisions of this section, regarding the cancellation of unsold bonds, shall apply to any bonds that have been heretofore issued or to any bonds that have been heretofore authorized by a vote of the electors of the City and County under this section or under Section 29 of Article XVI of this Charter, and that remain unsold after efforts to sell the same shall have been made as above provided.

Whenever the owner of any coupon bond, or of any bond payable to bearer, already issued or hereafter issued by the City and County shall present any such bond to the Treasurer with a request for the conversion of such bond into a registered bond, such Treasurer shall cut off and cancel the coupons of any such coupon bond so presented, and shall stamp, print or write upon such coupon bond or such other bond payable to bearer, so presented, either upon the back or upon the face thereof, as may be convenient, a statement to the effect that the said bond is registered in the name of the owner, and that thereafter the interest and principal of said bond are payable to the registered owner. Thereafter, and from time to time, any such bond may be transferred by such registered owner in person, or by attorney duly authorized on presentation of such bond to Treasurer, and the bond be again registered as before, a similar statement being stamped, printed or written thereon. Such statement stamped, printed or written upon any such bond may be in substantially the following form:

(Date—giving month, year and day.)

This bond is registered pursuant to Charter of the City and County of San Francisco, State of California, in the name of \_\_\_\_\_ (here insert name of owner), and the interest and principal thereof are hereafter payable to such owner.

Treasurer.

After any bond shall have been registered as aforesaid, the principal and interest of such bond shall be payable to the registered owner. Such Treasurer shall keep in his office a book or books which shall, at all times, show what bonds are registered and in whose names, respectively.

That Section 12 of Article XII of the Charter be amended to read as follows:

SECTION 12. At the time of levying the municipal tax, and in the manner provided for such tax levy, the Supervisors shall levy and collect annually a tax sufficient to pay the annual interest on such bonds and also such part of the bonded municipal indebtedness as will fall due within the succeeding fiscal year, and as may be necessary to provide for the sinking fund payments of the next succeeding fiscal year, *provided* that when the interest and sinking fund payments for any fiscal year on the bonds issued for any public utility can be met out of the surplus earnings of such public utility for the preceding fiscal year, no tax shall be levied for such purpose. Such taxes shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.

That Section 29 of Article XVI of the Charter be amended to read as follows.

SECTION 29. When the Supervisors shall determine that the public interest requires the acquisition of any land or lands or the construction or acquisition of any permanent building or buildings, improvement or improvements, the cost of which, in addition to the other expenses of the City and County, will exceed the income and revenue provided for the City and County for any one year, they must, by ordinance, submit a proposition or propositions to incur a bonded indebtedness for such purpose or purposes to the electors of the City and County at a special election to be held for that purpose only. All provisions of this Charter, as the same shall read at the time of submitting such propositions to the electors, providing for the acquisition of public utilities, so far as the same are applicable, shall apply to the manner of submitting such proposition or propositions, to the issuance, character and registration of said bonds and to the time when, and the kind of money in which said bonded indebtedness shall be payable.

The proceeds of any sale of bonds shall be placed in the Treasury to the credit of the proper fund and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issuance until such objects are fully accomplished, after which, if any surplus remains, such surplus may be transferred to the general fund, except that if such fund exceeds the sum of two thousand dollars then such surplus and the whole thereof shall be transferred to the appropriate fund or funds to pay the interest and maintain the sinking fund or provide for the retirement of the bonded indebtedness in connection with which such surplus remains.

That Section 2 of Chapter III of Article IV of said Charter be amended to read as follows:

SECTION 2. The Treasurer shall receive and safely keep all moneys which shall be paid into the treasury. Except as hereinafter provided, he shall not lend, exchange, use nor deposit the same or any part thereof, to or with any bank, banker or person, nor pay out any part of such moneys, nor allow the same to pass out of his personal custody, except upon demands authorized by law or this Charter, and after they shall have been approved by the Auditor. At the close of business each day, he shall take an account of and enter in the proper book the exact amount of money on hand. At the end of every month he shall make out and file with the Mayor and publish quarterly in the official newspaper a statement of the condition of the treasury, showing the amounts of receipts into and payments from the treasury, and on what account, and out of what fund. If he violate any of the provisions of this section, he shall be guilty of misconduct in office, and be liable to removal therefrom, and be proceeded against accordingly. He shall keep the accounts belonging to each fund separate and distinct, and shall in no case pay demands chargeable against one fund out of moneys belonging to another. He shall be in personal attendance at his office each day during office hours. No fees of any kind shall be retained by him, but the same, from whatever source received or derived, shall be paid by him into the treasury.

All moneys paid into the treasury of the City and County may be deposited by the Treasurer, upon the written consent of the Mayor, in any licensed national bank or banks, within this State, or in any bank, banks or corporations authorized and licensed to do a banking business, and organized under the laws of this State, *provided* that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States or of this State, or of any County, Municipality or School District within this State, approved by the Treasurer and the City Attorney. The market value of the bonds furnished as security, shall be at least 10 per cent in excess of the amount of the deposit secured thereby, but the amount of the deposit shall in no case exceed the face value of the bonds furnished as security therefor. *And provided* that such bank or banks shall pay a reasonable rate of interest, not less than 2 per cent per annum, on the daily balances therein deposited.

The rate of interest shall be fixed annually as herein provided in the month of January of each year on all deposits to be made for such year; *provided*, that the rate of interest for the year ending December 31st, 1907, may be fixed as herein provided within ten days after this section goes into effect. The rate of interest shall be fixed by the Treasurer, the Auditor and the Mayor, and the same reported in writing to the Board of Supervisors immediately. Said rate of interest shall be a reasonable rate and not less than 2 per cent per annum on the daily balances deposited; and the rate of interest so established for each year as herein provided,

shall be the uniform rate of interest required from all banks receiving deposits from the City and County for that year. Interest on all moneys deposited as herein provided for shall belong to the City and County and shall be paid quarterly into the general fund of the City and County except where the law or this Charter otherwise directs.

It shall be the duty of the Treasurer to receive from the bank in which the deposit is made, a receipt or receipts in duplicate, showing the date and amount of deposit and rate of interest to be paid thereon, one copy of which said Treasurer shall keep on file in his office and he shall file one copy with the Auditor.

The Treasurer shall keep a record in his office, which shall be open to public inspection, showing at all times the amount of money on deposit in all banks in which the same is deposited, and dates of deposit, also a record of all banks making application for the deposit of the public funds.

The total amount of public moneys on deposit in any bank shall not at any time exceed 50 per cent of the paid-up capital stock of such depository bank or banks. The Treasurer shall not have on deposit at any one time more than 10 per cent of the public moneys under his control and available for deposit in any bank while there are other qualified banks requesting such deposits, *provided*, that the Treasurer shall not be required to deposit public moneys in any bank outside of the City and County.

The receipt issued by any bank for deposits made therein, together with the bonds held as security therefor, shall be held by the Treasurer and be recognized and counted as cash to the amount recited in the receipt by the officers required by law to count the same.

Deposits, with interest thereon, shall be subject to withdrawal on demand of the Treasurer, conjointly with that of the Mayor, and any bank receiving the deposit of public moneys, may, at any time, return the same to the Treasurer, together with interest to date of return, and it shall be the duty of the Treasurer, upon receiving the return of such deposit, to immediately return to such bank all bonds held as security for the deposit returned. When the Treasurer withdraws his deposit, he shall return, on the demand of the bank, such bonds as were held as security for the deposit or portion thereof withdrawn.

Should any bank fail to pay any public moneys held on deposit as herein provided, the Treasurer (with the written consent of the Mayor) may, after ten days' written notice to such bank, proceed to sell at public or private sale such of the bonds held by him as security as he may see fit, *provided, however*, that he shall sell no bonds for less than their face value except at public sale, after ten days' printed notice in the official newspaper. The proceeds of such sale, after paying all expenses, shall be credited to the account of the bank, which deposits the bonds as collateral. Any bank failing to make payment may, at any time before the sale of the bonds is completed, stop such sale by repaying all the moneys deposited with it, together with any expense that may have been incurred by the Treasurer as the result of such failure. Should the proceeds of any such sale fail to fully repay any deposit, the balance remaining unpaid may be collected in an action at law in the name of the City and County.

The Treasurer shall not be responsible for any loss of public moneys resulting from the deposit thereof when made in accordance with the provisions of this act. It shall be the duty of the Treasurer to safely keep all evidence of indebtedness issued by banks for deposits made therein and bonds deposited as security and the Treasurer shall be responsible for such evidence of indebtedness and for bonds held as security therefor, together with the interest thereon and the proceeds of any sale of such bonds and the Treasurer shall be responsible to such bank for the safe return of the securities furnished by it to the Treasurer.

The expenses of transportation of moneys to or from the Treasury to such depositories shall be borne by such depositories.

Nothing in this section contained shall prevent the City and County from buying bonds or otherwise investing its money in any manner now provided by law or this Charter and nothing herein contained as to the disposition of interest and public moneys deposited shall apply to any money received or held by the City and County wherein any law or this Charter provides for the payment of interest or profit thereon into any particular fund.

That Section 1 of Chapter VIII, Article IX, of said Charter be amended, and that a new section be added thereto, to read as follows

## CHAPTER VIII

### SALARIES AND VACATIONS

SECTION 1. The officers and members of the Fire Department shall receive annual salaries as follows: Chief Engineer, five thousand dollars; First Assistant Chief Engineer, thirty-six hundred dollars; Second Assistant Chief Engineer, three thousand dollars; Battalion Chiefs, each, twenty-seven hundred dollars; Superintendent of Engines, twenty-seven hundred dollars; the Clerk and Commissary of the Corporation Yards, eighteen hundred dollars; Captains, each, eighteen hundred and sixty dollars; Lieutenants, each, seventeen hundred and ten dollars; Engineers, each, sixteen hundred and eighty dollars; Drivers, Stokers, Tillermen, Truckmen and

Hosemen, for the first year of service, each, twelve hundred dollars; for the second year of service, each, thirteen hundred and twenty dollars; and for the third year of service, and thereafter, each, fourteen hundred and forty dollars; Hydrantmen, each, twelve hundred dollars; Superintendent of Horses, eighteen hundred and sixty dollars; Draymen, each, twelve hundred dollars; Watchmen, each, twelve hundred dollars; Hostlers, each, twelve hundred dollars; Pilots of Fire Boats, each, twenty-one hundred dollars; Engineer of Fire Boats, each, twenty-one hundred dollars; Firemen of Fire Boats, each, twelve hundred dollars.

SECTION 2. Each officer and member of the Fire Department shall be allowed, during each year of his service, a vacation of not less than fifteen days' duration, and also leaves of absence of not less than twenty-four hours' duration, not less times than once in each week. Said vacations and leaves of absence to be without loss of pay.

That Section 3 of Chapter VIII, Article IX, be amended to read as follows:

SECTION 3. The Commissioners shall, upon the application, duly verified, of any officer or member of the Fire Department who shall have served as an active member of the Fire Department for twenty-five years continuously next preceding the date of said application, or, of any officer or member of the Fire Department who shall have reached the age of fifty-five years, and shall have served as an active member of the Fire Department for twenty years continuously next preceding the date of said application, retire and relieve from service such officer or member: *provided also*, that the Commissioners may, by a unanimous vote, retire and relieve from service, any aged, disabled or infirm officer or member of the Fire Department who has arrived at the age of sixty years, and has served as an active member of the department for twenty years continuously next preceding such age, and who upon examination by two regularly certificated practicing physicians, appointed by the Commissioners for that purpose, may be ascertained to be by reason of such age, infirmity, or other disability, unfit for the performance of his duties. Such retired officer or member shall receive from the Fireman's Relief Fund a monthly pension equal to one-half the amount of the salary attached to the rank held by him for three years prior to the date of his retirement, and the same shall cease at his death.

That Section 1 of Chapter IV, Article IX, be amended to read as follows:

#### CHAPTER IV.

##### FIRE COMPANIES.

SECTION 1. Each Steam Fire Engine Company shall be composed of not more than one Captain, one Lieutenant, one Engineer, one Driver, one Stoker and Six Hosemen.

Each Hook and Ladder Company shall be composed of not more than one Captain, one Lieutenant, one Driver, one Tillerman and eight Truckmen.

Each Chemical Engine Company shall be composed of not more than one Captain, one Lieutenant, one Driver, and one Hoseman.

Each Water Tower Company shall be composed of not more than one Captain, one Lieutenant, one Driver and one Hoseman.

Each Fire Boat Company shall be composed of not more than one Captain, one Lieutenant, two Pilots, two Engineers, three Firemen and twelve Hosemen.

That a new section to be known and designated as Section 4 be added to Chapter III, Article IX, to read as follows:

SECTION 4. The Chief Engineer may detail for duty as Chiefs' Operators such members of the Department as he may select, not to exceed one such Operator for each Chief, Assistant Chief and Battalion Chief. The members so detailed shall be known and ranked as Chiefs' Operators. Each of said Chiefs' Operators shall receive an annual salary of fifteen hundred dollars. They may be removed from such detail at any time, by the Chief Engineer.

That Section 1, Chapter V of Article VIII, of the Charter of the City and County of San Francisco, be amended to read as follows:

SECTION 1. Subordinate officers of the Police Department shall consist of Captains, who shall each receive an annual salary of twenty-four hundred dollars; Lieutenants, who shall each receive an annual salary of one thousand nine hundred and twenty dollars; Sergeants, who shall each receive an annual salary of one thousand six hundred and eighty dollars; and Corporals, who shall each receive an annual salary of one thousand five hundred and sixty dollars.

That Section 1, Chapter VI of Article VIII, of the Charter of the City and County of San Francisco, be amended to read as follows:

SECTION 1. The police force of the City and County shall not exceed one police officer for each five hundred inhabitants thereof. Police officers shall each receive an annual salary of one thousand four hundred and sixty-four dollars.

STATE OF CALIFORNIA }  
CITY AND COUNTY OF SAN FRANCISCO } ss

This is to certify that we, Edward R. Taylor, Mayor of the City and County of San Francisco, and John E. Behan, Clerk of the Board of Supervisors of said City



and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals submitting the same to the electors of said City and County at a General Municipal Election held on Tuesday, the Fifth day of November One Thousand Nine Hundred and Seven, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City and County of San Francisco, this 16th day of November One Thousand Nine Hundred and Seven.

EDWARD R. TAYLOR

Mayor of the City and County of San Francisco.

JOHN E. BEHAN

Clerk of the Board of Supervisors of  
the City and County of San Francisco.

[SEAL]

Now, therefore be it

*Resolved, by the Senate of the State of California, the Assembly thereof concurring* (a majority of all of the members elected to each house voting for and concurring herein), That said amendments to the Charter of the City and County of San Francisco as proposed to and adopted and ratified by the electors of said City and County, and as hereinbefore fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the Charter of the City and County of San Francisco.

Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

Ayes—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Noes—None.

Senate Concurrent Resolution ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES—(RESUMED).

##### ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. PRESIDENT: Your Committee on Commerce and Navigation have had under consideration Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors and appurtenances in the City and County of San Francisco, to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds, and providing for a submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act, to be numbered Section 10½, relating to the publication of said Act, and providing for the payment of the cost of publication of the same—and respectfully report the same back, and recommend that it do pass, and be re-referred to the Committee on Finance.

ROLLEY, Chairman.

Senate Bill No. 7 referred to Committee on Finance.

#### RESOLUTIONS.

The following resolutions were offered:

By Senator Anderson:

*Resolved*, That the Sergeant-at-Arms, or the Bookkeeper to the Sergeant-at-Arms, be and he is hereby authorized to receipt to Controller for all warrants, for the payment of members, officers and attachés to the Senate.

Resolution read and adopted.

By Senator Lynch:

*Resolved*, That the Controller of the State be, and he is hereby directed to draw his

warrant in favor of the Secretary of the Senate for the sum of twenty-five (\$25.00) dollars, for stamps and expressage, the same payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.  
By Senator Savage:

*Resolved*, That a special committee of three be appointed on mileage.

Resolution read and adopted.

#### APPOINTMENT OF SPECIAL COMMITTEE ON MILEAGE.

Pursuant to the above resolution, the President of the Senate announced that he had appointed Senators Savage, Price, and Lynch to comprise such special committee.

#### INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Leavitt: Senate Concurrent Resolution No. 2—Relative to the appointment of a committee to consist of three members of the Senate and three members of the Assembly for the purpose of investigating the business methods employed generally by the banks and banking houses of the State of California with a view to amending present banking and trust laws so as to afford better protection to the depositor and to the business world.

By Senator Belshaw: Senate Bill No. 12—An Act transferring money from the General Fund to the State Printing Fund, to defray the expense of legislative printing for the extra session of the thirty-seventh Legislature, and directing the State Controller and the State Treasurer to make such transfer.

Bill read first time, and referred to Committee on Finance.

#### RUSH ORDERS TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 12.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for the printing of Senate Concurrent Resolution No. 2.

#### SPECIAL ORDERS SET.

Senator Leavitt moved that the consideration of Senate Concurrent Resolution No. 2 be made a special order for two o'clock P. M., of this day.

Motion carried.

Senator Belshaw moved that the consideration of Senate Bill No. 12 be made a special order for two o'clock P. M., of this day.

Motion carried.

#### RECESS.

At ten o'clock and thirty minutes A. M., on motion of Senator Wolfe, the President declared the Senate at recess until ten o'clock and forty-five minutes A. M., of this day.

## RECONVENED.

At ten o'clock and forty-five minutes A. M., the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

On motion of Senator Leavitt, the following reports of standing committees were received and read:

## ON FINANCE.

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 5—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June and July, 1907.

Also Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years, in addition to such sums as have been heretofore appropriated.

Also: Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto, making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act to be numbered Section 10½, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass.

BELSHAW, Chairman.

Senate Bills Nos. 5, 6, and 7 ordered on file for second reading.

## SPECIAL ORDER SET.

Senator Belshaw moved that the consideration of Senate Bills Nos. 5, 6, and 7 be made a special order for two o'clock P. M., of this day.

Motion carried.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. PRESIDENT: Your Committee on Judiciary has had under consideration Senate Bill No. 11, and begs leave to report thereon that it has examined and considered the said Senate Bill No. 11, which is herewith returned, together with Senate Judiciary Committee Substitute for Senate Bill No. 11.

The said Senate Judiciary Committee Substitute for Senate Bill No. 11 has been adopted by your Committee on Judiciary, and it respectfully recommends that the Senate Judiciary Committee Substitute for Senate Bill No. 11 do pass.

LUKENS, Chairman.

## CONSIDERATION OF BILL—(OUT OF ORDER).

On motion of Senator Lukens, Senate Bill No. 11 was taken up for consideration.

Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 3900a, relating to the postponing of the collection or payment of taxes, the postponing of delinquency for non-payment of same, the postponing

of penalties, forfeitures or fines for non-payment of same, the postponing of entry of penalty for such delinquency, the postponing of time of preparing delinquent lists for unpaid taxes, and the duties of all persons and public officers in connection therewith, in the event of general financial stringency.

During the second reading of the bill, the following substitute was submitted by committee:

COMMITTEE SUB-TITUTE FOR SENATE BILL NO. 11.

An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith.

*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 of the State of California, to be numbered 3757, and to read as follows.

3757. On the last Monday of January in the year A. D. 1908 at six o'clock P. M. all taxes levied for the fiscal year ending June 30, A. D. 1908, then unpaid, except the last installment of the real property taxes levied and assessed for said fiscal year, are delinquent, and thereafter the tax collector must collect, for the use of the county or city and county, an addition of fifteen per cent thereon; *provided*, that if they be not paid on or before the last Monday in April next succeeding at six P. M. he shall collect an addition of five per cent thereon. On the last Monday in April of each year at six o'clock P. M., all the unpaid portion of the remaining one-half of the taxes on all real property are delinquent and thereafter the tax collector must collect for the use of the county, or city and county, an addition of five per cent thereon, *provided*, that the entire tax on any real property may be paid at the time the first installment as above provided, is due and payable; *and provided further*, that the taxes on all personal property unsecured by real property, shall be due and payable immediately after the assessment of said personal property is made. *Provided, however*, that the time for the performance by any public officer of any duty in connection with the matters herein enumerated and imposed by law is hereby extended sixty (60) days in addition to the time now provided by law. This section shall not in any manner be construed to repeal Section 3756 of the said Political Code, as the same now exists, but suspends the provisions thereof so far as the same affect the collection of the first installment of taxes with the penalties provided by law levied for the fiscal year ending June 30, A. D. 1908, and thereafter this section shall be inoperative.

SEC 2. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Lukens, the Secretary was directed to issue a rush order for the printing of Committee Substitute for Senate Bill No. 11.

SPECIAL ORDER SET.

Senator Lukens moved that the consideration of Committee Substitute for Senate Bill No. 11 be made a special order for two o'clock P. M., of this day.

REPORTS OF STANDING COMMITTEES — (RESUMED).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Joint Resolution No. 1—Relative to the passage of an Act by Congress suspending the provisions of Section 2324 of the Revised Statutes of the United States, relative to annual work on mining claims—have had the same under consideration, and respectfully report the same back with the recommendation that it be adopted.

LUKENS, Chairman.

## CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

On motion of Senator Carter, Senate Joint Resolution No. 1 was taken up for consideration.

## SENATE JOINT RESOLUTION No. 1.

Relative to the passage of an Act by Congress suspending the provisions of Section 2324 of the Revised Statutes of the United States, relative to annual work on mining claims.

WHEREAS, The financial stringency now being experienced in the State of California, as well as in adjoining States, has worked great hardship upon those persons who annually contribute to 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 be requested to use all honorable means to secure the passage of legislation by the Congress next to convene, suspending the operation for the years 1907 and 1908, 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 is hereby directed to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

Resolution read.

The question being on the adoption of the Senate Joint Resolution.

The roll was called, and Senate Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Boynton, Broughton, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Welch, Wilks, Wolfe, and Wright—31.

NOES—None.

Senate Joint Resolution ordered transmitted to the Assembly.

## RECESS.

At eleven o'clock and forty-five minutes A. M., on motion of Senator Wolfe, the President declared the Senate at recess until two o'clock P. M., of this day.

## RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

## ON FINANCE.

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. PRESIDENT: Your Committee on Finance to whom was referred Senate Bill No. 12—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-seventh Legislature, and directing the State Controller and State Treasurer to make such transfer—have had the same under consideration, and respectfully report the same back with the recommendation that it do pass.

BELSHAW, Chairman.

Senate Bill No. 12 ordered on file for second reading.

## CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Concurrent Resolution No. 2, the same was taken up.

## SENATE CONCURRENT RESOLUTION No. 2.

WHEREAS, Within the past month a condition of financial embarrassment has prevailed among the banks and banking houses doing business in the State of California, notwithstanding the fact that the people of this State in every walk of life have been particularly prosperous; and

WHEREAS, The said financial embarrassment of said banks and banking houses has resulted in widespread dissatisfaction among all classes and further resulted in a succession of holidays declared by the Governor, the result of which has been great inconvenience and injury to many business interests other than banking; and has impeded the progress of the courts in the disposition of all business, civil, criminal and probate, that was pending in said courts at the time of and during such holidays; and

WHEREAS, It is the opinion of many that the financial condition, as now existing, is attributable largely to the imperfection of the laws of the State of California governing banks and banking and trust companies and in the manner of conducting said business; and

WHEREAS, It is apparent to all that our banking and trust laws need to be amended so as to afford better protection to the depositor and the business world. Now, therefore, be it

*Resolved, by the Senate of the State of California, the Assembly concurring,* That a committee to consist of three Senators and three members of the Assembly be appointed by the President of the Senate and the Speaker respectively for the purpose of investigating into the business methods employed generally by the banks and banking houses in the State of California and to ascertain the average total cash on hand earned in proportion to the total deposits, the proportion to deposits loaned by such banks and banking houses outside of the State of California, the terms and average rate of interest on such loans and generally with other and such further information as will enable such committee to make a full and comprehensive report as to the methods of banking business usually employed by such banks and banking houses to the end that laws may be enacted that will or may in some degree prevent a recurrence of such conditions of financial embarrassment as exists at this time in this State.

That said committee be and it is hereby empowered to administer oaths and issue all necessary subpoenas directed to persons residing in this State, to appear before such committee at a time and place to be named therein, and such person so served, is required to appear and testify before such committee as to all matters and things which he may be examined upon, bearing upon the subject-matter of this resolution and such person shall be required to produce and submit to the inspection and examination by such committee of all books, papers and documents as may be in his possession or control.

That such committee shall have and is hereby given power and authority to incur all necessary expenses to enable it to perform the duties herein specified and that it make its report in writing to the Governor and the Legislature next to meet, and in such report it make such recommendations and prepare such laws as will carry out the purposes contemplated by these resolutions.

That the expenses to be incurred under authority of this resolution shall not exceed, in the aggregate, the sum of five thousand dollars (\$5,000), and such amount shall be payable one-half out of the contingent fund of the Assembly and one-half out of the contingent fund of the Senate. The State Controller shall draw his warrants upon such funds on the presentation of claims audited by the committee and filed by the chairman of said committee, and the State Treasurer shall pay the same.

Resolution read.

## MOTION TO REFER TO COMMITTEE LOST.

Senator Caminetti moved that, without further consideration, Senate Concurrent Resolution No. 2 be referred to the Committee on Judiciary.

The ayes and noes were demanded by Senators Caminetti, Sanford, and Anthony.

The roll was called, and the motion lost by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Kennedy, Miller, Nelson, Reily, Rush, Sanford, and Savage—17.

NOES—Senators Anderson, Bates, Boynton, Greenwell, Keane, Leavitt, Lukens, Lynch, McCartney, Price, Rambo, Rolley, Walker, Weed, Welch, Willis, Wolfe, and Wright—18.

## AMENDMENTS.

During the consideration of Senate Concurrent Resolution No. 2, the following amendment was offered by Senator Sanford:

Amend by striking out all on page 1 of the printed bill from line 1 down to and including the word "it" in line 23.

Amendment adopted.

Also: By Senator Leavitt:

Amend by striking out of line 30, page 2, printed resolution, the word "earned" and inserting in lieu thereof the word "carried."

Amendment adopted.

MOTION TO REFER TO COMMITTEE.

Senator Carter moved that Senate Concurrent Resolution No. 2 be referred to the Committee on Banking.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bills Nos. 5, 6, 7, and 12, the same were taken up.

RESOLUTION—(OUT OF ORDER).

By Senator Belshaw:

*Resolved*, That Senate Bills Nos. 5, 6, 7, and 12 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

CASES OF URGENCY.

Senate Bill No. 5—An Act making an appropriation to pay the claim for services of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June, and July, 1907.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 5 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Camunetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, McCartney, McKee, Miller, Price, Rambo, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—Senators Markey, Nelson, and Reily—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 6—An Act making an appropriation for the continuing expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years in addition to such sums as have been heretofore appropriated.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 7—An Act to amend Section 5 of the Act entitled “An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for a submission of this Act to a vote of the people,” approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act, to be numbered Section 10½, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 7 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 12—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-seventh Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 12 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Willis:

*Resolved*, That the State Controller draw his warrant in favor of the Sergeant-at-Arms



of the Senate in the sum of thirty-five dollars (\$35), and the State Treasurer is hereby directed to pay the same, said sum being for postage, telegraphing, and other incidental expenses.

Resolution read and referred to Committee on Contingent Expenses.

#### REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

##### ON MILEAGE.

SENATE CHAMBER, SACRAMENTO, November 20, 1907:

MR. PRESIDENT: Your Special Committee on Mileage beg leave to report as follows: We find the following to be entitled to the sums set opposite their respective names:

			Mileage.	Amount.
Secretary—	Lewis A. Hilborn	-----	180	\$18 00
Minute Clerk—	G. Ray Horton	-----	894	89 40
Sergeant-at-Arms—	J. Louis Martin	-----	168	16 80
Dist.	Senator.	Address.	Mileage.	Amount
39	Anderson, John N.	Santa Ana	962	\$96 20
24	Anthony, Marc	San Francisco	180	18 00
14	Bates, J. C.	Alameda	170	17 00
36	Bell, Chas. W.	Pasadena	914	91 40
28	Black, Marshall	Palo Alto	298	29 80
6	Boynton, A. E.	Oroville	172	17 20
35	Broughton, Howard A.	Pomona	960	96 00
10	Caminetti, A.	Jackson	118	11 80
37	Carter, Henry E.	Los Angeles	894	89 40
26	Cartwright, Geo. W.	Fresno	338	33 80
12	Curtin, J. B.	Sonora	250	25 00
33	Greenwell, C. B.	Ventura	980	98 00
22	Hartman, Gus.	San Francisco	180	18 00
3	Irish, J. B.	Downieville	238	23 80
23	Keane, Geo. B.	San Francisco	180	18 00
20	Kennedy, T. J.	San Francisco	180	18 00
16	Leavitt, F. W.	Oakland	168	16 80
15	Lukens, G. R.	Oakland	168	16 80
17	Markey, F. A.	San Francisco	180	18 00
38	McCartney, H. S. G.	Los Angeles	894	89 40
7	McKee, J. A.	Sacramento	2	20
32	Miller, E. O.	Visalia	412	41 20
25	Nelson, John H.	San Francisco	180	18 00
8	Price, W. F.	Santa Rosa	180	18 00
29	Rambo, S. H.	Boulder Creek	392	39 20
18	Reilly, D. J.	San Francisco	180	18 00
1	Rolley, Geo. T.	Eureka	624	62 40
5	Rush, Benj. F.	Suisun	82	8 20
4	Sanford, J. B.	Ukiah	300	30 00
34	Savage, W. H.	San Pedro	954	95 40
27	Walker, Geo. S.	Los Gatos	276	27 60
2	Weed, A.	Weed Station	514	51 40
19	Welch, Richard J.	San Francisco	180	18 00
30	Willis, Henry M.	Redlands	1,086	108 60
21	Wolfe, Edward I.	San Francisco	180	18 00
40	Wright, Leroy A.	San Diego	1,146	114 60

*Resolved*, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the foregoing-named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law.

SAVAGE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution were adopted by the following vote:

**AYES**—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Miller, Nelson, Price, Rambo, Reilly, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, and Wolfe—32.

**NOES**—Senators Lukens and Rush—2.

Also:

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. PRESIDENT: Your Special Committee on Mileage beg leave to report as follows: That we find the following to be entitled to the sums set opposite their respective names

Dist	Mileage	Amount.
President: W. R. Porter .....	414	\$41 40
Senators: 9—Belshaw, C. M. ....	192	19 20
31—Lynch, Henry W. ....	822	82 20

*Resolved*, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the foregoing named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law.

SAVAGE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution were adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, McCartney, Miller, Nelson, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.  
 NOES—None.

ADJOURNMENT.

At three o'clock and thirty minutes P. M., on motion of Senator Hartman, the President pro tem. declared the Senate adjourned until ten o'clock and thirty minutes A. M., Thursday, November 21, 1907.

IN SENATE.

SENATE CHAMBER,

Thursday, November 21, 1907.

Pursuant to adjournment, the Senate met at ten o'clock and thirty minutes A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

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

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. C. H. Darling.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, November 20, 1907, the further reading was dispensed with, on motion of Senator Bates.

## APPROVAL OF JOURNAL.

The Journal of Tuesday, November 19, 1907, having been previously read and corrected, was approved.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bill: Committee Substitute for Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith—and report that the same has been correctly engrossed.

REILY, Chairman.

Committee Substitute for Senate Bill No. 11 ordered on file for third reading.

## REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

## ON MILEAGE.

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT: Your Special Committee on Mileage beg leave to report as follows: That the Chaplain of the Senate, Rev. C. H. Darling, was telegraphed and requested to be present at this special session of the Legislature, and under such conditions your committee believe him entitled to his mileage, and we hereby recommend that Rev. C. H. Darling be allowed the following amount:

Mileage, 150—amount, \$13.00.

*Resolved*, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the foregoing named Chaplain of the Senate for the above amount, and the State Treasurer is hereby directed and ordered to pay the same.

SAVAGE, Chairman.

Report and resolution read and referred to Committee on Contingent Expenses.

## INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Anderson: Senate Concurrent Resolution No. 3—Relative to the appointment of a committee of one Senator and one Assemblyman to investigate into the business methods of the corporations engaged in the banking business in the State of California, and to examine the State laws relating to banking, and to report their findings to the Governor and the next Legislature, making in their report such recommendations for amendments of the laws as such committee may deem best.

Senate Concurrent Resolution referred to Committee on Banking.

By Senator Sanford: Senate Joint Resolution No. 2—Providing for more elasticity in our currency system.

Senate Joint Resolution referred to Committee on Federal Relations.

## PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

## CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Committee Substitute for Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith.

Read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE LOST.

Senator Sanford moved to refer to Senator Caminetti, as a special committee of one, to amend as follows:

Strike out of Section 3757, line two, the word "last," and insert in lieu thereof the word "first."

Also: Strike out of line eight the word "fifteen," and insert in lieu thereof the word "four."

Motion lost.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE LOST.

Senator Sanford moved to refer to Senator Caminetti, as a special committee of one, to amend as follows:

Amend by adding after the word "thereon," in line eight, the words: "11 per cent of which penalty is hereby postponed until the last Monday in April."

Motion lost.

## COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 11 PASSED

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 11 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rûsh, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

## MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day adopted Senate Concurrent Resolution No. 1—Approving four certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco, at a general municipal election held therein on the fifth day of November, 1907.

CLIO LLOYD, Chief Clerk of the Assembly.  
By THOS. G. WALKER, Assistant Clerk.

Senate Concurrent Resolution No. 1 ordered to enrollment.

## RECESS.

At eleven o'clock and forty minutes A. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until two o'clock and thirty minutes P. M., of this day.

## RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.  
Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

## INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Lukens: Senate Concurrent Resolution No. 4—Relative to printing an edition of five thousand copies of the laws and amendments to the codes, passed at this extra (thirty-seventh) session.

Senate Concurrent Resolution referred to Committee on Contingent Expenses.

## REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

## ON JUDICIARY

SENATE CHAMBER, SACRAMENTO, November 20, 1907,

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1—An Act to amend Section 10 of the Political Code, relating to holidays

Also: Senate Bill No. 2—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Senate Bill No. 3—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays

Also: Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays

Also: Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Senate Bill No. 10—An Act to amend Section 134 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays.

Have had the same under consideration, and respectfully report the same back with the majority recommendation that the Committee Substitute for Senate Bills Nos. 1, 2, 3, 4, 8, 9 and 10, herewith presented, be adopted, and that the substitute do pass.

WOLFE, Acting Chairman.

## ON JUDICIARY—MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRE-IDENT: As a member of your Committee on Judiciary, to whom was referred Senate Bills Nos. 1, 2, 3, 4, 8, 9, and 10, I must decline to join in a unanimous recommendation for the passage of the proposed committee substitute for said bills, and so do on the ground that article six, section five, of the Constitution of this State prohibits the transaction of judicial business on legal holidays and non-judicial days, excepting that writs of prohibition and injunction may be issued on such days, and I am therefore firmly of the opinion that, excepting for issuance of said writs, it is not in the legitimate or constitutional power of this Legislature to enact a law authorizing the courts to transact judicial business on legal holidays and non-judicial days.

Respectfully,

J. B. CURTIN,  
Member of Judiciary Committee.  
LEROY A. WRIGHT.  
MARC ANTHONY.

I concur in the foregoing minority report.

LUKENS,  
Chairman Judiciary Committee.

## SPECIAL ORDER SET.

Senator Caminetti moved that the Committee Substitute for Senate Bills Nos. 1, 2, 3, 4, 8, 9, and 10, together with the above minority report of the Committee on Judiciary, be sent to the State Printer with a rush order issued by the Secretary, and that the consideration of the same be made a special order for seven o'clock and thirty minutes P. M., of this day.

Motion carried.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON BANKING.

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Concurrent Resolution No. 2—Relative to the appointment of a committee of three members of the Senate and three members of the Assembly for the purpose of investigating into the business methods employed generally by the banks and banking houses of the State of California with a view to amending the present banking and trust laws so as to afford better protection to the depositor and to the business world—have had the same under consideration, and respectfully report the same back, with the recommendation that the accompanying committee substitute be adopted in lieu thereof.

BATES, Chairman.

## SPECIAL ORDER SET.

Senator Leavitt moved that the Committee Substitute for Senate Concurrent Resolution No. 2 be sent to the State Printer with a rush order issued by the Secretary, and that the consideration of the above report submitting the substitute therein contained be made a special order for seven o'clock and thirty minutes P. M., of this day.

Motion carried.

## REPORTS OF STANDING COMMITTEES—(RESUMED).

## ON CONTINGENT EXPENSES

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

*Resolved*, That the State Controller draw his warrant in favor of the Sergeant-at-Arms of the Senate in the sum of thirty-five dollars (\$35), and the State Treasurer is hereby directed to pay the same, said sum being for postage, telegraphing, and other incidental expenses.

Also:

*Resolved*, That the Controller of the State be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of twenty-five dollars (\$25), for stamps and expressage, the same payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions were adopted by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Irish, Keane, Kennedy, Lukens, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Rely, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

## RECESS.

At two o'clock and fifty-five minutes P. M., on motion of Senator Carter, the President pro tem. declared the Senate at recess until seven o'clock and thirty minutes P. M., of this day.

## RECONVENED.

At seven o'clock and thirty minutes P. M. the Senate reconvened.

Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

On motion of Senator Curtin, the roll was called, and the following answered to their names:

Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

Quorum present.

## LEAVE OF ABSENCE.

Senator Cartwright was, on motion of Senator Sanford, granted leave of absence for the remainder of this day.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

## ON BANKING.

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Concurrent Resolution No. 3—Relative to the appointment of a committee comprising one Senator and one Assemblyman to investigate into the business methods of the corporations engaged in the banking business in the State of California, and to examine the State laws relating to banking and to report their findings to the Governor and the next Legislature and recommend such amendments of the laws as said committee may deem best—have had the same under consideration, and respectfully report the same back with three amendments, without recommendation.

BATES, Chairman.

Senate Concurrent Resolution No. 3 ordered on file.

## CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the majority report of the Committee on Judiciary submitting Committee Substitute for Senate Bills Nos. 1, 2, 3, 4, 8, 9 and 10, the same was taken up.

## MOTION.

Senator Caminetti moved to re-refer Senate Bills Nos. 4, 8, and 9 to the Committee on Judiciary.

Motion seconded.

Senator Belshaw moved, as an amendment to the motion made by Senator Caminetti, that the majority report of the Committee on Judiciary, together with the minority report of the committee aforesaid, the committee substitute therein involved, and all matters thereunto appertaining, be re-referred to the Committee on Judiciary for further consideration.

The question being on the amendment to the motion.

The roll was called, and the amendment carried by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Lukens, McKee, Nelson, Rambo, Reily, Rolley, Sanford, Walker, Welch, and Wright—23.

NOES—Senators Leavitt, Lynch, McCartney, Miller, Price, Rush, Weed, Willis, and Wolfe—9.

Motion as amended carried.

## SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the report of the Committee on Banking, submitting a Committee Substitute for Senate Concurrent Resolution No. 2, the same was taken up and postponed for further consideration until Friday, November 22, 1907, immediately following the reading and approval of the Journal.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

## ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred Senate Concurrent Resolution No. 4—Relative to printing five thousand copies of the laws and amendments to the Codes passed at this extra session of the Legislature—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

WOLFE, Chairman.

Report read and adopted.

## ADJOURNMENT.

At ten o'clock and forty-five minutes P. M., on motion of Senator Hartman, the President pro tem. declared the Senate adjourned until ten o'clock and thirty minutes A. M., of Friday, November 22, 1907.

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IN SENATE.

SENATE CHAMBER,

Friday, November 22, 1907.

Pursuant to adjournment, the Senate met at ten o'clock and thirty minutes A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

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

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—37.

Quorum present.

## PRAYER.

Prayer was offered by Rev. Frank K. Baker.

## READING OF THE JOURNAL.

During the reading of the Journal of Thursday, November 21, 1907, the further reading was dispensed with, on motion of Senator Curtin.



## APPROVAL OF JOURNAL.

The Journal of Wednesday, November 20, 1907, having been previously read and corrected, was approved.

## LEAVE OF ABSENCE.

Senator Cartwright was, on motion of Senator Sanford, granted leave of absence for this day.

## APPOINTMENT BY THE PRESIDENT OF THE SENATE.

The President announced that, by the authority vested in him, he had appointed the following Porter, the appointment to take effect from this date: W. J. Devereaux, in lieu of William Gamble.

## INTRODUCTION OF JOINT RESOLUTION.

The following joint resolution was offered:

By Senator Sanford (by request of Senator Cartwright): Senate Joint Resolution No. 3—Relating to banks and banking, and recommending the protection of depositors in approved banks under certain conditions by the Government of the United States.

Senate Joint Resolution referred to Committee on Federal Relations.

## CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the report of the Committee on Banking submitting a committee substitute for Senate Concurrent Resolution No. 2, the same was taken up.

## MOTION TO SUBSTITUTE.

Senator Anderson moved that Senate Concurrent Resolution No. 3 be substituted for Senate Concurrent Resolution No. 2 in the consideration set for this hour.

Motion lost.

Report of Committee on Banking, submitting a committee substitute for Senate Concurrent Resolution No. 2, adopted.

## SPECIAL ORDER SET.

Senator Leavitt moved that the Committee Substitute for Senate Concurrent Resolution No. 2 be sent to the State Printer with a rush order issued by the Secretary, and that the consideration of the same be made a special order for two o'clock and thirty minutes P. M., of this day.

Motion carried.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER. SACRAMENTO, November 22, 1907.

MR. PRESIDENT Your Committee on Engrossment and Enrollment have examined the following:

Senate Concurrent Resolution No. 1—Approving four certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and

ratified by the said electors of said City and County of San Francisco, at a general municipal election held therein on the fifth day of November, 1907.

And report that the same has been correctly enrolled, and presented the same to the Governor on this twenty-second day of November, 1907, at twelve o'clock m.

REILY, Chairman.

RECESS.

At twelve o'clock and twenty-five minutes m., on motion of Senator Wolfe, the President declared the Senate at recess until two o'clock and thirty minutes p. m., of this day.

RECONVENED.

At two o'clock and thirty minutes p. m., the Senate reconvened.

Lieutenant-Governor Warren R. Porter, the President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the Committee Substitute for Senate Concurrent Resolution No. 2, the same was taken up.

COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 2.

*Be it resolved, by the Senate of the State of California, the Assembly concurring.* That a committee to consist of three Senators and three members of the Assembly be appointed by the President of the Senate, and the Speaker of the Assembly, respectively, for the purpose of securing such information as will enable such committee to make a full and comprehensive report as to the methods usually employed by persons, associations, or corporations, engaged in the banking business, or receiving money on deposit within the State of California, to the end that laws may be enacted by the Legislature of this State improving our banking methods and laws.

That said committee be and it is hereby empowered to administer oaths and issue all necessary subpoenas directed to persons residing in this State to appear before such committee at a time and place to be named therein, and such person so served, is required to appear and testify before such committee as to all matters and things which he may be examined upon, bearing upon the subject-matter of this resolution and such person shall be required to produce and submit to the inspection and examination by such committee of all books, papers and documents as may be in his possession or control.

That such committee shall have and is hereby given power and authority to incur all necessary expenses to enable it to perform the duties herein specified and that it make its report in writing to the Governor and the Legislature next to meet, and in such report it make such recommendation and prepare such laws as will carry out the purpose contemplated by this resolution.

That the expenses to be incurred under authority of this resolution shall not exceed in the aggregate, the sum of five thousand dollars (\$5,000), and such amount shall be payable one-half out of the contingent fund of the Assembly and one half out of the contingent fund of the Senate. The State Controller shall draw his warrants upon such funds on the presentation of claims audited by the committee and filed by the chairman of said committee, and the State Treasurer shall pay the same.

Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and the Committee Substitute for Senate Concurrent Resolution No. 2 adopted by the following vote:

AYES—Senators Anthony, Bates, Belshaw, Boynton, Broughton, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Nelson, Price, Rambo, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—Senators Anderson, Bell, and Rush—3.

Committee Substitute for Senate Concurrent Resolution No. 2 ordered transmitted to the Assembly.

## MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 4—Relative to printing five thousand copies of the laws and amendments to the codes passed at this extra session of the Legislature.

Also: Passed, under a case of urgency, Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years in addition to such sums as have been heretofore appropriated.

Also: Senate Bill No. 12—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-seventh Legislature, and directing the State Controller and State Treasurer to make such transfer.

CLIO LLOYD, Chief Clerk of the Assembly.  
By THOS. G. WALKER, Assistant Clerk.

Senate Concurrent Resolution No. 4 ordered to enrollment.

Senate Bill No. 6 and Senate Bill No. 12 ordered to enrollment.

## RECESS.

At two o'clock and forty-five minutes P. M., on motion of Senator Wolfe, the President declared the Senate at recess until two o'clock and fifty-five minutes P. M., of this day.

## RECONVENED.

At two o'clock and fifty-five minutes P. M., the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

## MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT. I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 5—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June, and July, 1907.

CLIO LLOYD, Chief Clerk of the Assembly.  
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 5 ordered to enrollment.

## WITHDRAWAL OF CONCURRENT RESOLUTION.

Senator Anderson asked for and was granted unanimous consent to withdraw Senate Concurrent Resolution No. 3.

Whereupon the same was ordered withdrawn and stricken from the file.

## RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Broughton:

*Resolved*, That the Sergeant-at-Arms of the Senate be allowed the sum of ninety dollars (\$90) for services to be rendered after the close of the session checking up and

storing furniture in warehouse and performing other necessary work, and the Controller is hereby directed to draw his warrant for the same payable out of the Contingent Fund of the Senate, and the Treasurer to pay the same.

Resolution read and referred to Committee on Contingent Expenses.  
By Senator Boynton:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant in favor of J. Louis Martin, Sergeant-at-Arms, on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of \$202 77, as per bills attached:

Labor .....	\$138 00
F. R. Pullford .....	29 75
H. W. Rivett .....	4 00
John Breuner & Co. ....	22 83
Hale Bros. ....	8 19
Total .....	<u>\$202 77</u>

Resolution read and referred to Committee on Contingent Expenses.  
By Senator Price:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate in favor of J. Louis Martin, Sergeant-at-Arms, and the Treasurer is hereby authorized to pay the same in favor of the following named persons as per bills attached.

Union League Club .....	\$290 00
Scott, Lyman & Stack .....	64 20
Lathrop & Johnson .....	112 19
Globe Transfer Co. ....	42 50
Total .....	<u>\$508 89</u>

Resolution read and referred to Committee on Contingent Expenses.

#### REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

##### ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following—

##### REPORT OF COMMITTEE ON MILEAGE.

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT. Your Special Committee on Mileage beg leave to report as follows: That the Chaplain of the Senate, Rev. C. H. Darling, was telegraphed and requested to be present at this special session of the Legislature, and under such conditions your committee believes him entitled to his mileage, and we hereby recommend that Rev. C. H. Darling be allowed the following amount:

Mileage, 130—amount, \$13.00.

*Resolved*, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the foregoing-named Chaplain of the Senate for the above amount, and the State Treasurer is hereby directed and ordered to pay the same.

SAVAGE, Chairman.

Have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution were adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Curtin, Hartman, Irish, Keane, Lynch, McKee, Price, Rambo, Reilly, Rush, Sanford, Savage, Walker, Weed, and Wolfe—23.

NOES—Senators Leavitt, Markey, McCartney, Miller, Nelson, Rolley, and Wright—7.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, November 22. 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Senate Bill No. 2—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Senate Bill No. 3—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Senate Bill No. 10—An Act to amend Section 134 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays.

Also: Committee Substitute for the Senate Bills aforesaid.

Also: The minority report of certain members of your committee, dated November 21, 1907, at Sacramento, California.

Have had the same under consideration, both in a sub-committee of your Judiciary Committee and a general meeting thereof, and respectfully report that your Judiciary Committee has adopted (1) Committee Substitute for Senate Bill No. 4, (2) Committee Substitute for Senate Bill No. 8, (3) Committee Substitute for Senate Bill No. 9; and (4) Committee Substitute for Senate Bill No. 10; all of which committee substitutes are herewith reported to your honorable body; that they be adopted and that they do pass as adopted.

LUKENS, Chairman.

## CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Lukens asked for and was granted unanimous consent to have Senate Bills Nos. 4, 8, 9, and 10 taken up for immediate consideration.

Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

During the second reading of the bill, the following substitute was submitted by committee:

## COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 4.

An Act to amend Section 7 of the Civil Code, relating to holidays.

*The people of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section seven of the Civil Code is hereby amended to read as follows:  
7. Holidays within the meaning of this code, are, every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday in September, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States, or by the Governor of this State for a public fast, thanksgiving or holiday and such days as the Governor may declare as special holidays. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday. Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this State, and also in political divisions thereof where laws, ordinances, or charters provide that public offices may be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution, or recording of any legal process or written instrument whatever on such Saturday afternoons. *Provided further*, that the Governor of the State may declare special holidays and he may in one proclamation designate one or any number of consecutive days as special holidays and during any such special holidays no public duty shall be suspended or prohibited except such as affect the administration of justice in the courts of this State as prescribed by section 135 of the Code of Civil Procedure.

SEC. 2. This Act shall take effect and be in force from and after November 25th, A. D. 1907, at 12 o'clock M. of that day.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment and third reading.

Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

During the second reading of the bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 8.

An Act to amend Section 10 of the Political Code, relating to holidays.

*The people of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section ten of the Political Code is hereby amended to read as follows :  
10. Holidays, within the meaning of this code, are every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday in September, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States, or by the Governor of this State for a public fast, thanksgiving or holiday and such days as the Governor may declare as special holidays. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday. Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this State, and also in political divisions thereof where laws, ordinances, or charters provide that public offices may be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoons. *Provided further*, that the Governor of the State may declare special holidays and he may in one proclamation designate one or any number of consecutive days as special holidays and during any such special holidays no public duty shall be suspended or prohibited except such as affect the administration of justice in the courts of this State as prescribed by section 135 of the Code of Civil Procedure.

SEC. 2. This Act shall take effect and be in force from and after November twenty-fifth A. D. 1907 at twelve o'clock m. of that day.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

During the second reading of the bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 9.

An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

*The people of the State of California, represented in Senate and Assembly, do enact as follows:*

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

10. Holidays, within the meaning of this code, are every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday in September, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States, or by the Governor of this State for a public fast, thanksgiving or holiday and such days as the Governor may declare as special holidays. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday. Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this State, and also in political divisions thereof where laws, ordinances, or charters provide that public offices may be closed on holidays; *provided*, that such shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoons. *Provided further*, that the Governor of the State may declare special holidays and he may in one proclamation designate one or any number of consecutive days as special holidays and during any such special holidays no public duty shall be suspended or prohibited except such as affect the administration of justice in the courts of this State as prescribed by section 135 of this code for the control of such courts.

SEC. 2. This Act shall take effect and be in force from and after November twenty-fifth A. D. 1907 at twelve o'clock M. of that day.

Substitute read and adopted.

Bill read second time and ordered to print, engrossment and third reading.

Senate Bill No. 10—An Act to amend Section 134 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays.

During the second reading of the bill, the following substitute was submitted by committee.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 10.

An Act to amend Section 135 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

*The people of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section 135 of the Code of Civil Procedure is hereby amended to read as follows:

135. On all special holidays the courts of this State shall be open for the transaction of any and all judicial business, except the trial of an action or the rendition of a judgment based upon a contract, expressed or implied, for the direct payment of money, and for the trial and rendition of judgments in actions of forcible entry or unlawful detainer. *Provided*, if any day mentioned in section 10 of this code other than a special holiday happen to be the day appointed for the holding or sitting of a court, or to which it is adjourned, it shall be deemed appointed for or adjourned to the next day.

SEC 2 This Act shall take effect and be in force from and after November 25th, A. D. 1907, at 12 o'clock M. of that day.

Substitute read and adopted.

Bill read second time and ordered to print, engrossment and third reading.

SPECIAL ORDER SET.

Senator Leavitt moved that the Committee Substitutes for Senate Bills Nos. 4, 8, 9, and 10 be sent to the State Printer with a rush order issued by the Secretary, and that the consideration of the same be made a special order for seven o'clock and thirty minutes P. M., of this day.

Motion carried.

RECESS.

At three o'clock and forty minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess until seven o'clock and thirty minutes P. M., of this day.

RECONVENED.

At seven o'clock and thirty minutes P. M. the Senate reconvened.

Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT. Your Committee on Engrossment and Enrollment have examined the following: Committee Substitute for Senate Bill No 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Committee Substitute for Senate Bill No. 10—An Act to amend Section 135 of

the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

And report that the same have been correctly engrossed.

REILLY, Chairman.

Committee Substitutes for Senate Bills Nos. 4, 8, 9, and 10, respectively, ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Miller, the following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 1—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Assembly Bill No. 3—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Assembly Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

CLIO LLOYD, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 1, 3 and 4 read first time, and referred to the Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day amended, and passed as a case of urgency so amended, Committee Substitute for Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith.

CLIO LLOYD, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 11?"

After the word "six," in line 10 of Section 1 of page 1 of the printed bill, insert the word "o'clock."

The roll was called, and the above Assembly amendment to Senate Bill No. 11 concurred in by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30

NOES—None.

The question being "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 11?"

Strike out the word "above," in line 17 of Section 1, page 2 of the printed bill.

Also: Insert the words "by law" after the word "voided" in line 18 of Section 1, page 2 of the printed bill.

Also: After the word "duty," in line 22 of Section 1, page 2 of the printed bill, insert the words "imposed by law."

Also: After the word "sixty," in line 24, Section 1, page 2 of the printed bill, insert the word "three."

Also: Strike out the naught in line 24 of page two of Section 1 of the printed bill, and insert the figure "3."

Also: Strike out all of line 31 of Section 1, page 2, of the printed bill, and insert in lieu thereof, as follows: "Shall have no other or further effect, except as herein provided."

The roll was called, and the above Assembly amendments to Senate Bill No. 11 concurred in by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti,



Curtin, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—27.  
NOES—None.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 11?"

AMENDMENT No. 5.

Strike out the words "matters herein enumerated and imposed by law," in lines 23 and 24 of Section 1, page 2 of printed bill, and insert in lieu thereof as follows: "collections of the first installment of said taxes and the fifteen per cent penalty for delinquency thereof and the settlement thereof."

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 11, by the following vote:

AYES—None.

NOES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—29.

Whereupon the President directed the Secretary to request the Assembly to recede from the above amendment to Senate Bill No. 11.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this hour, being the consideration of Committee Substitutes for Senate Bills Nos. 4, 8, 9 and 10, the same was taken up.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Miller:

*Resolved*, That Committee Substitute for Senate Bills Nos. 4, 8, 9, and 10 respectively, present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

CASES OF URGENCY.

Committee Substitute for Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Miller moved to refer to Senator Willis, as a special committee of one, to amend as follows:

By striking out of Section 2, line 2, the word "25th," and inserting in lieu thereof the word "27th", also strike out of same line the letter "m.," and insert in lieu thereof the word "midnight."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bill No. 4, with instructions to amend, respectfully reports the same back, amended as per instructions.

WILLIS, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Committee Substitute for Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Miller moved to refer to Senator Willis as a special committee of one, to amend as follows:

By striking out of Section 2, line 2, the word "25th" and inserting in lieu thereof the word "27th"; also, strike out of same line the letter "M.," and insert in lieu thereof the word "midnight."

Motion adopted.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bill No. 8, with instructions to amend, respectfully report the same back, amended as per instructions.

WILLIS, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Committee Substitute for Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Miller moved to refer to Senator Willis as a special committee of one, to amend as follows:

By striking out of Section 2, line 2, the word "25th" and inserting in lieu thereof the word "27th", also, in the same line strike out the letter "M.," and insert in lieu thereof the word "midnight."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 9, with instructions to amend, respectfully reports the same back, amended as per instructions.

WILLIS, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Committee Substitute for Senate Bill No. 10—An Act to amend Section 135 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

Read third time.

## MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Miller moved to refer to Senator Willis as a special committee of one, to amend as follows:

By striking out of Section 1, lines 7 and 8, the words "and for the trial and rendition of judgments in actions of forcible entry or unlawful detainer", also, strike out of Section 2, line 2, the word "25th" and insert in lieu thereof the word "27th"; also, strike out of same line the letter "m," and insert in lieu thereof the word "midnight."

Motion carried.

## REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 10, with instructions to amend, respectfully reports the same back, amended as per instructions.

WILLIS, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reengrossment.

## RESOLUTION—(OUT OF ORDER).

The following resolution and preamble were offered:

By Senator Carter:

Senate Resolution relative to the passage of an Act by Congress suspending the provisions of Section 2324 of the Revised Statutes of the United States, relative to annual work on mining claims

WHEREAS, The financial stringency now being experienced in the State of California, as well as in adjoining states, has worked great hardship upon those persons who annually contribute to 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, That our Senators and Representatives in Congress be requested to use all honorable means to secure the passage of legislation by the Congress next to convene, suspending the operation, for the year 1907, 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 is hereby directed to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

Resolution and preamble read and adopted.

## RECESS.

At eight o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess for ten minutes.

## RECONVENED.

At eight o'clock and thirty-five minutes P. M., the Senate reconvened.

Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

## RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Lynch:

Resolved, That H. P. Travers, Bookkeeper to the Sergeant-at-Arms of the Senate, be instructed to deliver all warrants, vouchers, and papers after the close of the session to their proper owners and also to make up a file of three sets of chapters and send the

same to each Senator; and that he be allowed fifty dollars for the above services, and the Controller is instructed to draw his warrant for the same, payable out of the Contingent Fund of the Senate, and the Treasurer is instructed to pay the same

Also:

*Resolved*, That the Controller of State be and he is hereby directed to draw his warrant in favor of Secretary of Senate in the sum of \$51.50 in payment of the bills hereto attached, same payable out of Contingent Fund of Senate.

Also:

*Resolved*, That Lewis A. Hilborn, Secretary of Senate, be and he is hereby authorized and directed to remain after the close of the Thirty-seventh (extra) Session of the Legislature for the purpose of correcting and approving all the Senate records, and to compile and have printed a final calendar of all legislative business of this session. For the purpose of carrying out this work the sum of \$100 is hereby allowed said Lewis A. Hilborn, and the Controller is hereby directed to draw his warrant in favor of said Lewis A. Hilborn, the said sum being payable out of the Contingent Fund of the Senate.

Resolutions read, and referred to Committee on Contingent Expenses.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

On motion of Senator Leavitt, the following report of standing committee was received and read:

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Assembly Bill No. 3—An Act to amend Section 10 of the Political Code, relating to holidays

Also: Assembly Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do not pass.

LUKENS, Chairman.

Assembly Bills Nos. 1, 3, and 4 ordered on file for second reading.

#### MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Miller, the following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as a case of urgency, so amended, Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act to be numbered Section 10, relating to the publication of said Act, and providing for the payment of the cost of publication of the same—and respectfully request your honorable body to concur in said amendments.

CLIO LLOYD, Chief Clerk of the Assembly.  
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 7?"

Amend by striking out the words "said Act," in line 1 of Section 1, page 1. of the printed bill, and inserting in lieu thereof as follows: "An Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by

the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people,' approved March 21, 1907."

And by striking out the words, "said Act," in line 1 of Section 2, page 3, of the printed bill, and inserting in lieu thereof as following: "An Act entitled 'An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto, making an appropriation of one thousand dollars for the expense of printing said bonds. and providing for the submission of this Act to a vote of the people,' approved March 21, 1907."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 7 by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Senate Bill No. 7 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused adoption of Senate Joint Resolution No. 1—Relative to the passage of an Act by Congress suspending the provisions of Section 2324 of the Revised Statutes of the United States, relative to annual work on mining claims.

CLIO LLOYD, Chief Clerk of the Assembly  
By THOS. G. WALKER, Assistant Clerk.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Committee Substitute for Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Committee Substitute for Senate Bill No. 10—An Act to amend Section 135 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

And report that the same have been correctly reengrossed.

REILY, Chairman.

#### CONSIDERATION OF BILLS.

Committee Substitute for Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 4 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Broughton, Caminetti, Curtin, Hartman, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—Senator Belshaw—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 8 passed by the following vote:

AYES—Senators Anderson, Bell, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—Senator Belshaw—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 9—An Act to amend Section 10 of the Code of Code of Civil Procedure, relating to holidays.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 9 passed by the following vote:

AYES—Senators Anderson, Bell, Black, Broughton, Curtin, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—Senator Belshaw—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 10—An Act to amend Section 135 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 10 passed by the following vote:

AYES—Senators Anderson, Bell, Black, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—Senator Belshaw—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

#### WITHDRAWAL OF BILLS.

Senator Curtin asked for and was granted unanimous consent to withdraw Senate Bills Nos. 1, 2, and 3.

Whereupon the same were ordered withdrawn and stricken from the file.

#### RECESS.

At nine o'clock and fifteen minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until nine o'clock and thirty minutes P. M., of this day.

#### RECONVENED.

At nine o'clock and thirty minutes P. M. the Senate reconvened.

Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

## MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Committee Substitute for Senate Concurrent Resolution No. 2.

CLIO LLOYD, Chief Clerk of the Assembly.  
By THOS. G. WALKER, Assistant Clerk.

Committee Substitute for Senate Concurrent Resolution No. 2 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendment to Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith—and appointed Assemblymen Bishop, Otis, and Thompson of Los Angeles as a Committee on Conference to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk of the Assembly.  
By THOS. G. WALKER, Assistant Clerk.

## COMMITTEE ON CONFERENCE.

Senator Leavitt moved that a Committee on Conference be appointed to meet a like committee from the Assembly on Assembly Amendment No. 5 to Committee Substitute for Senate Bill No. 11.

Motion carried.

## APPOINTMENT OF COMMITTEE ON CONFERENCE.

Pursuant to the above motion, the President pro tem. announced that he had appointed Senators Leavitt, Hartman, and Wright to comprise such Committee on Conference.

## RECESS.

At ten o'clock and fifty-five minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eleven o'clock and ten minutes P. M., of this day.

## RECONVENED.

At eleven o'clock and ten minutes P. M., the Senate reconvened.  
Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

## REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your Committee on Conference, to whom was referred Committee Substitute for Senate Bill No. 11, beg leave to report as follows. That they have met a like committee of the Assembly composed of Assemblymen Thompson, Bishop, and Otis, and that they can not agree and recommend that a Committee on Free Conference be appointed.

LEAVITT, Chairman.

Report adopted.

## APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

Pursuant to the above report, duly adopted, the President pro tem. announced that he had appointed Senators Wright, Leavitt, and Hartman to comprise such Committee on Free Conference.

## RECESS.

At eleven o'clock and twenty minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eleven o'clock and thirty-five minutes P. M., of this day.

## RECONVENED.

At eleven o'clock and thirty-five minutes P. M. the Senate reconvened. Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

## MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform you honorable body that the Assembly on this day passed Committee Substitute for Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holiday.

CLIO LLOYD, Chief Clerk of the Assembly.  
By THOS. G. WALKER, Assistant Clerk.

Committee Substitutes for Senate Bills Nos. 4, 8, and 9, respectively, ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of its Conference Committee on Assembly Amendment No. 5, to Committee Substitute for Senate Bill No. 11, and have appointed as a Committee on Free Conference Assemblymen Bishop, Thompson of Los Angeles, and Otis, and respectfully request your honorable body to appoint a like Committee on Free Conference to meet with the Assembly committee.

CLIO LLOYD, Chief Clerk.

## REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your Committee on Free Conference, to whom was referred Committee Substitute for Senate Bill No. 11, have met a like committee from the Assembly composed of Assemblymen Bishop, Thompson of Los Angeles, and Otis, and have had the same under consideration and beg leave to report as follows: That in lieu of Amendment No. 5 as offered by the Assembly to Committee Substitute No. 11, your committee recommend that the Senate and Assembly adopt the following: "On line 23, after the word 'the,' insert the following: 'collection of the first installment of said taxes and the fifteen per cent penalty for delinquency thereof,' in lieu of the following: 'Matters herein enumerated and imposed by law.'"

WRIGHT, Chairman,  
LEAVITT,  
HARTMAN.

The question being on the adoption of the report.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter,



Curtin, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Price, Reily, Rolley, Rush, Sanford, Walker, Willis, Wolfe, and Wright—25.  
None—None.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Concurrent Resolution No. 4.

Also: Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years, in addition to such sums as have been heretofore appropriated.

Also: Senate Bill No. 12—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-seventh Legislature, and directing the State Controller and State Treasurer to make such transfer.

Also: Senate Bill No. 5—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June and July, 1907.

And report that the same have been correctly enrolled and presented the same to the Governor on the twenty-second day of November, 1907, at eleven o'clock P. M.

REILY, Chairman

## RECESS.

At eleven o'clock and forty minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eleven o'clock and forty-five minutes P. M., of this day.

## RECONVENED.

At eleven o'clock and forty-five minutes P. M., the Senate reconvened. Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

## MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Committee Substitute for Senate Bill No. 10—An Act to amend Section 135 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

CLIO LLOYD, Chief Clerk of the Assembly.  
By THOS. G. WALKER, Assistant Clerk.

Committee Substitute for Senate Bill No. 10 ordered to enrollment.  
Also:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day adopted Assembly Concurrent Resolution No. 2—Relative to adjournment *sine die*.

CLIO LLOYD, Chief Clerk of the Assembly.  
By THOS. G. WALKER, Assistant Clerk.

## CONSIDERATION OF CONCURRENT RESOLUTION.

On motion of Senator Leavitt, Assembly Concurrent Resolution No. 2 was taken up for consideration.

## ASSEMBLY CONCURRENT RESOLUTION No. 2.

Relative to adjournment *sine die*.

*Resolved by the Assembly, the Senate concurring*, That the two houses of the Legislature adjourn *sine die* at twelve o'clock noon, on Saturday, November 23, 1907.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 2 finally adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, McCartney, McKee, Price, Rambo, Reily, Rolley, Sanford, Walker, Willis, Wolfe, and Wright—26.

NOES—None

Assembly Concurrent Resolution No. 2 ordered transmitted to the Assembly.

## ADJOURNMENT.

At eleven o'clock and fifty-five minutes P. M., on motion of Senator Hartman, the President pro tem. declared the Senate adjourned until nine o'clock A. M., Saturday, November 23, 1907.

## IN SENATE.

## SENATE CHAMBER,

Saturday, November 23, 1907.

Pursuant to adjournment, the Senate met at nine o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

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

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

## PRAYER.

Prayer was offered by Rev. Richard Rodda.

## READING OF THE JOURNAL.

During the reading of the Journal of Friday, November 22, 1907, the further reading was dispensed with, on motion of Senator Weed.

## APPROVAL OF JOURNALS.

The Journals of Thursday, November 21, 1907, and Friday, November 22, 1907, having been previously read and corrected, were approved.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, November 23, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

*Resolved*, That the Sergeant-at-Arms of the Senate be allowed the sum of ninety dollars (\$90) for services to be rendered after the close of the session checking up and storing furniture in warehouse and performing other necessary work, and the Controller is hereby directed to draw his warrant for the same payable out of the Contingent Fund of the Senate, and the Treasurer to pay the same.

Also:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant in favor of J. Louis Martin, Sergeant-at-Arms, on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of \$202.77, as per bills attached:

Labor .....	\$138 00
F. R. Pulford .....	29 75
H. W. Rivett .....	4 00
John Breuner Co. ....	22 83
Hale Bros .....	8 19
Total .....	\$202 77

Also:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate in favor of J. Louis Martin, Sergeant-at-Arms, and the Treasurer is hereby authorized to pay the same, in favor of the following-named persons as per bills attached:

Union League Club .....	\$290 00
Scott, Lyman & Stack .....	64 20
Lathrop & Johnson .....	112 19
Globe Transfer Co. ....	42 50
Total .....	\$508 89

Also:

*Resolved*, That H. P. Travers, Bookkeeper to the Sergeant-at-Arms of the Senate, be instructed to deliver all warrants, vouchers, and papers after the close of the session to their proper owners and also to make up a file of three sets of chapters and send the same to each Senator; and that he be allowed fifty dollars for the above services, and the Controller is instructed to draw his warrant for the same, payable out of the Contingent Fund of the Senate, and the Treasurer is instructed to pay the same.

Also:

*Resolved*, That the Controller of State be and he is hereby directed to draw his warrant in favor of Secretary of Senate in the sum of \$51.50 in payment of the bills hereto attached, same payable out of Contingent Fund of Senate.

Remington Typewriter Co. ....	\$4 50
H. S. Crocker Co. ....	30 50
A. J. Johnston Co. ....	2 75
H. E. Sleeper & Co. ....	1 75
H. E. Sleeper & Co. ....	12 00
Total .....	\$51 50

Also:

*Resolved*, That Lewis A. Hilborn, Secretary of Senate, be and he is hereby authorized and directed to remain after the close of the Thirty-seventh (extra) Session of the Legislature for the purpose of correcting and approving all the Senate records, and to compile and have printed a final calendar of all legislative business of this session. For the purpose of carrying out this work the sum of \$100 is hereby allowed said Lewis A. Hilborn, and the Controller is hereby directed to draw his warrant in favor of said Lewis A. Hilborn, the said sum being payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions were adopted by the following vote:

**AYES**—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Hartman, Irish, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

**NOES**—None.

#### RESOLUTIONS.

The following resolutions were offered:

By Senator Wright:

*Resolved*, The Senate and Assembly have reached a conclusion of their labors upon the work for which His Excellency, Governor James N. Gillett, convened the Legislature in extraordinary session, and

**WHEREAS**, The members of the Senate coming from distant parts of the great State of California and representing as citizens many of the great business interests of the State, have during the present extra session had unusual and extraordinary opportunities to obtain thoroughly reliable and ample information as to the financial condition of the banking and business interest of the State; and

**WHEREAS**, Such information discloses that the business institutions of the State are sound and on a basis which warrants the immediate return of confidence among the people, and the assurance of the resumption of great business activity and prosperity throughout the entire commonwealth. Now, therefore, be it

*Resolved*, That the Senate extend its congratulations to the people of California upon the general stability and soundness of our financial institutions and upon the unmistakable evidence of a speedy return of that sameness and common sense and confidence which is characteristic of the people of this State. And further be it

*Resolved*, That we commend Governor Gillett for the wise and beneficent executive measures with which he has met the exigencies of the very extraordinary conditions which have existed lately as well in California as elsewhere, and which has enabled the business men of our State safely to emerge from the period of apparently unnecessary financial stringency

Resolution read and adopted.

By Senator Lukens:

*Be it Resolved*, That a committee of three (3) Senators in the Legislature of California at its Thirty-seventh (37th) Session, convened by the Proclamation of the Governor (dated 15th day of November A. D. 1907, declaring an extraordinary occasion for a legislative session exists), be appointed by the President of the Senate to investigate and report at the Regular Session of the Legislature which shall commence on the first Monday after the first day of January, A. D. 1909, upon the subject of the compensation of the members and all persons connected with the Legislative Department in representative governments.

Resolution read, and referred to Committee on Constitutional Amendments.

By Senator Savage:

*Resolved*, That the Controller of the State be and he is hereby directed to draw his warrant and the Treasurer of the State to pay the same out of the Contingent Fund of the Senate, for the sum of \$20, in favor of G. Ray Horton, for services in remaining after final adjournment, and assisting to properly paste, label and arrange the original minutes of the Senate, which, according to law, must be arranged, signed and delivered to the Secretary of State.

Resolution read, and referred to Committee on Contingent Expenses.

#### MOTION.

Senator Belshaw moved that the President's letter to Secretary Cortelyou, as printed in the San Francisco Chronicle of Monday, November 18, 1907, be printed in full in the Journal.

Motion carried.

#### THE PRESIDENT'S LETTER TO SECRETARY CORTELYOU.

THE WHITE HOUSE, WASHINGTON, November 17, 1907.

MY DEAR MR. CORTELYOU: I have considered your proposal. I approve of the issue of the \$50,000,000 of Panama bonds, which will be immediately available as

the basis for additional currency. I also approve the issue of \$100,000,000, or so much as you may find necessary of \$50 three per cent interest-bearing Government notes, the proceeds of the sale of which can be at once deposited by you where the greatest need exists, and especially in the West and South, where the crops have to be moved. I have assurance that the leaders of Congress are considering a currency bill which will meet in permanent fashion the needs of the situation, and which, I believe, will be passed at an early date after Congress convenes two weeks hence.

What is most needed just now is that our citizens should realize how fundamentally sound business conditions in this country are, and how absurd it is to permit themselves to get into a panic and create a stringency by hoarding their savings instead of trusting perfectly sound banks. There is no particle of risk involved in letting business take its natural course, and the people can help themselves and the country most by putting back into active circulation the money they are hoarding. The banks and trust companies are solvent. There is more currency in the country to-day than there was a month ago, when the supply was ample. Since then \$55,000,000 in gold has been imported and the Government has deposited \$60,000,000. These are facts; and I appeal to the public to co-operate with us in restoring normal business conditions. The Government will see that the people do not suffer if only the people themselves will act in a normal way. Crops are good and business conditions are sound, and we should put the money we have into circulation at once to meet the needs of our abounding prosperity.

There is no analogy at all with the way things were in 1893. On November 30th of that year there was in the Treasury but \$161,000,000 in gold. On November 14th of this year there was in the Treasury \$904,000,000 gold. Ten years ago the circulation per capita was \$23 23. It is now \$33 35. The steps that you now take, the ability of the Government to back them up, and the fact that not a particle of risk is involved therein, give the fullest guarantees of the sound condition of our people and the sound condition of our Treasury.

All that our people have to do now is to go ahead with their normal business in a normal fashion, and the whole difficulty disappears; and this end will be achieved if each man will act as he normally does act, and as the real condition of the country's business fully warrants his now acting.

Sincerely yours,

THEODORE ROOSEVELT.

Upon receipt of President Roosevelt's letter of approval the following statement was issued by the Secretary of the Treasury:

"The available cash balance of the Treasury, amounting to \$240,156,431, is, with the exception of a small working balance, now on deposit in national banks in every state and territory in the Union, thus placing it where it can serve the needs of the people so far as possible under existing laws.

"The Secretary of the Treasury, with the approval of the President, has announced an issue of Panama bonds to the extent of \$50,000,000. He has also, with the approval of the President, availed himself of certain provisions of the law applying to the transactions of the Treasury in times of emergency. These provisions are contained in Section 32 of the Act of June 13, 1898, authorizing the issuance of interest-bearing certificates of indebtedness to run for one year. Certificates bearing 3 per cent interest will be issued to the extent, if necessary, of \$100,000,000.

"The Panama bonds will serve as a measure of most substantial relief, for among other things the law expressly provides that they may be used as a basis for additional national bank circulation.

"The proceeds of the sale of certificates provided for under the above section can be deposited almost simultaneously with the purchase upon approved security. They can be made directly available at points where the need is most urgent and especially for the movement of the crop, which, if properly accelerated, will give the greatest relief and result in the most immediate financial returns. The acceptance of subscriptions by the Secretary of the Treasury will be made with special reference to such use. Both the bonds and certificates are attractive as absolutely safe investments.

"These measures will, among other things, enable the Secretary of the Treasury to meet public expenditures without withdrawing for that purpose any appreciable amount of public moneys now deposited in national banks throughout the country."

#### MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of its Committee on Free Conference on Assembly Amendment No. 5 to Committee Substitute for Senate Bill No. 11.

Committee Substitute for Senate Bill No. 11—An Act to add a new section to the

Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for the payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith.

CLIO LLOYD, Chief Clerk of the Assembly.  
By THOS. G. WALKER, Assistant Clerk.

Committee Substitute for Senate Bill No. 11 ordered to print and enrollment.

#### REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

#### ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, November 23, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act, to be numbered Section 10, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

Also: Committee Substitute for Senate Concurrent Resolution No. 2.

Also: Committee Substitute for Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Committee Substitute for Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith.

Also: Committee Substitute for Senate Bill No. 10—An Act to amend Section 135 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

And report that the same have been correctly enrolled, and presented the same to the Governor on the twenty-third day of November, 1907, at eleven o'clock A. M.

REILLY, Chairman.

#### MESSAGE FROM GOVERNOR—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,  
SACRAMENTO, November 23, 1907.

*To the Senate of the State of California:*

I have the honor to inform your honorable body that I have this day approved

Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years, in addition to such sums as have been heretofore appropriated.

Also: Senate Bill No. 5—An Act making an appropriation to pay the claims of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco, in the months of May, June and July, 1907.

Also: Senate Bill No. 12—An Act transferring money from the General Fund to the Printing Fund, to defray the expenses of legislative printing for the extra session of the Thirty-seventh Legislature, and directing the State Controller and the State Treasurer to make such transfer.

Also: Committee Substitute for Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Committee Substitute for Senate Bill No. 10—An Act to amend Section 135 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

Also: Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act to be numbered Section 10½, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

Also: Committee Substitute for Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be numbered 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith.

J. N. GILLETT,  
Governor of the State of California.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

On motion of Senator Wolfe, the following report of standing committee was received and read:

##### ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, November 23, 1907.

MR. PRESIDENT. Your Committee on Contingent Expenses, to whom was referred the following:

*Resolved*, That the Controller of the State be and he is hereby directed to draw his warrant, and the Treasurer of the State to pay the same out of the Contingent Fund of the Senate, for the sum of twenty dollars, in favor of G. Ray Horton, for services in remaining after final adjournment, and assisting to properly paste, label and arrange the original minutes of the Senate, which, according to law, must be arranged, signed and delivered to the Secretary of State.

Have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Leavitt, Lukens, Markey, McKee, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

##### RESOLUTIONS.

The following resolutions were offered:

By Senator Wright:

*Resolved*, That a committee of three be appointed by the President of the Senate to wait upon the Governor and inform His Excellency that the Senate is about to adjourn and awaits his pleasure.

Resolution read and adopted.

##### APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Wright, Nelson, and Sanford to notify the Governor of the readiness of the Senate to adjourn *sine die*.

## RESOLUTIONS—(RESUMED).

By Senator Black:

*Resolved*, That a committee of three be appointed by the President of the Senate to notify the Assembly that the Senate is ready to adjourn, and ask if the Assembly has any further communication to present to the Senate.

Resolution read and adopted.

## APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Black, Markey, and Caminetti to notify the Assembly of the readiness of the Senate to adjourn *sine die*.

APPOINTMENT OF COMMITTEE PROVIDED FOR IN SENATE CONCURRENT  
RESOLUTION No. 2.

The President announced that, pursuant to the provisions of Senate Concurrent Resolution No. 2—Relative to the appointment of a committee of three Senators and three members of the Assembly for the purpose of investigating into the business methods employed generally by the banks and banking houses of the State of California, with a view to amending the present banking and trust laws so as to afford better protection to the depositor and to the business world—he has appointed Senators Leavitt, Wolfe, and Curtin to comprise such committee.

## REPORT OF COMMITTEE.

Senators Black, Markey, and Caminetti, the special committee appointed to notify the Assembly that the Senate was ready to adjourn *sine die*, reported that they had performed the duty assigned them.

## REPORT OF SENATE COMMITTEE.

Senator Wright, as chairman of the committee appointed to wait upon the Governor to inform him of the Senate's readiness to adjourn, reported that His Excellency had informed the committee that he had no further communication to forward to the Senate.

## REPORT OF ASSEMBLY COMMITTEE.

At eleven o'clock and fifty-one minutes A. M., a committee from the Assembly, Mr. Drew, chairman, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared for final adjournment.

## APPROVAL OF MINUTES.

The minutes of this day, Saturday, November 23, 1907, were read and approved.

## VALEDICTORY BY THE PRESIDENT.

The President, in bidding farewell to the members of the Senate, spoke as follows:

*Gentlemen of the Senate*—The Senate of the California Legislature, Thirty-seventh (extra) Session, is about to adjourn *sine die*. Before doing so, however, I wish to thank each and every Senator for the uniform courtesy and kindness shown me as the pre-



siding officer of this august body. You have borne with me most graciously, both in session and out of session, and I am, indeed, most grateful for your consideration on all occasions. The opportunity I have thus been afforded to know you personally and to acquire your esteemed friendship I deem one of the great privileges of my life. In farewell, I wish you all happiness and prosperity.

## FINAL ADJOURNMENT.

Whereupon, at twelve o'clock M., in accordance with the provisions of Assembly Concurrent Resolution No. 2, Lieutenant-Governor Warren R. Porter, President of the Senate, declared the Thirty-seventh (extra) Session of the Senate of the State of California adjourned *sine die*.

WARREN R. PORTER,  
President of the Senate.

EDWARD I. WOLFE,  
President pro tem. of the Senate.

LEWIS A. HILBORN,  
Secretary of the Senate.

G. RAY HORTON,  
Minute Clerk of the Senate.

C. S. MILNES,  
Journal Clerk of the Senate.