

LAWS AND RESOLUTIONS

PASSED BY THE

LEGISLATURE OF 1883-84

AT ITS

EXTRA SESSION.

CONVENED MARCH 24, 1884.



SACRAMENTO:

STATE OFFICE JAMES J. AYERS, SUPT. STATE PRINTING.
1885.



CONTENTS.

Statutes and Resolutions, Legislature of 1884, at its Extra Session.

STATUTES.

Chap.	TITLE OF ACT.	Number of and where introduced.	Page.
4	An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year—approved April 4, 1884.....	A. B. 7.....	6
7	An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year—approved May 6, 1884.....	A. B. 54.....	8
8	An Act to provide for funding the indebtedness of counties in certain cases—approved May 8, 1884.....	A. B. 41.....	8

CONCURRENT RESOLUTIONS.

Chap.	CONCURRENT RESOLUTIONS.	Number of and where introduced.	Page.
1	Relative to the Postal Telegraph Bill introduced in Congress by Hon. Charles A. Sumner—adopted March 31, 1884.....	A. C. R. 1.....	5
2	Relative to statutory presented to the State of California by D. O. Mills—adopted April 2, 1884.....	A. C. R. 5.....	5
3	Relative to speedy passage of the Chinese Restriction Act, now pending in Congress—adopted March 31, 1884.....	S. C. R. 1.....	6
5	Relative to the establishment of Experimental Stations in connection with Agricultural Colleges—adopted April 15, 1884.....	A. C. R. 10.....	7
6	Relative to river and harbor appropriations made by the Congress of the United States for the Pacific Coast and remaining now unexpended—adopted April 30, 1884.....	A. C. R. 15.....	7
9	Relative to the location of the eastern boundary line of the State of California—adopted May 5, 1884.....	A. C. R. 9.....	10

CONTENTS.

Chap.	CONCURRENT RESOLUTIONS.	Number of and where introduced.	Page.
10	Relative to the removal of causes pending in the Courts of the State of California, to the Federal Courts of the United States—adopted May 2, 1884-----	A. C. R. 12----	10
11	Relative to a bill now pending in Congress providing a Territorial Government for Alaska—adopted May 6, 1884-----	S. C. R. 3-----	11
12	Relative to instructing our Senators in the Senate of the United States to support the Mexican Veterans' Pension Bill—adopted May 9, 1884-----	S. C. R. 4-----	11
13	Proposing amendment to section nine, article thirteen, of the Constitution, relating to revenue—adopted May 20, 1884-----	S. C. R. 15-----	12
14	Relative to declaring the twenty-ninth day of August, A. D. eighteen hundred and eighty-four, a public holiday, as a mark of respect to the memory of Junipero Serra—adopted May 9, 1884-----	A. C. R. 18----	13
15	Relative to the acquisition of large landed estates in the United States by non-resident foreigners—adopted May 13, 1884-----	A. C. R. 20----	13

LAWS AND RESOLUTIONS

PASSED BY THE

LEGISLATURE OF 1883-84, AT ITS EXTRA SESSION.

CHAPTER I.

Assembly Concurrent Resolution No. 1, relative to the Postal Telegraph Bill introduced in Congress by Hon. Charles A. Sumner.

[Adopted March 31, 1884.]

Resolved by the Assembly, the Senate concurring, That we heartily indorse the Postal Telegraph Bill introduced in Congress by Hon. Charles A. Sumner, of this State, believing it to be an eminently wise and practical measure, and one imperatively demanded by the interests of the people of the United States. Postal Telegraph Bill.

Resolved, That our Senators be and they are hereby instructed, and our Representatives requested, to support and by all honorable means endeavor to secure the passage of said bill.

Resolved, That the Governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

CHAPTER II.

Assembly Concurrent Resolution relative to statuary presented to the State of California by D. O. Mills.

[Adopted April 2, 1884.]

Resolved by the Assembly, the Senate concurring, That the thanks of the State of California be returned to D. O. Mills for the beautiful and costly, statuary group, typical of the discovery of America by Columbus, presented by him to the State, and placed in the rotunda of the Capitol. Thanks to D O. Mills for gift of statuary.

Resolved, That the Governor be requested to forward to Mr. Mills an official copy of these resolutions.

CHAPTER III.

Senate Concurrent Resolution relative to the speedy passage of the Chinese Restriction Act, now pending in Congress.

[Adopted March 31, 1884.]

Restriction
to Chinese
Immigra-
tion.

WHEREAS, There are now pending in the Senate of the United States, and in the House of Representatives, certain measures which will tend to relieve the State of California from the continued immigration of Chinese;

Resolved, That it is the sense of the Senate of the Legislature of California, the Assembly concurring, that the Congress of the United States should, without unnecessary delay, pass the amended Chinese Restriction Bill, now pending before that body; be it further

Resolved, That the Governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

CHAPTER IV.

An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year.

[Approved April 4, 1884.]

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

Appropriation
for leg-
islative ex-
penses.

SECTION 1. The following sums of money are hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to pay the expenses of the extra session of the Legislature, and other matters incidental thereto:

Per diem of
Assembly.

For the per diem and mileage of Assemblymen, twenty-one thousand and five hundred dollars.

Officers of
Assembly.

For pay of officers and clerks of Assembly, three thousand and five hundred dollars.

Contingent
expenses of
Assembly.

For contingent expenses of the Assembly, six thousand dollars.

Per diem of
Senate.

For the per diem and mileage of the Lieutenant-Governor and Senators, ten thousand dollars.

Officers of
Senate.

For pay of officers and clerks of the Senate, two thousand and five hundred dollars.

Contingent
expenses of
Senate.

For contingent expenses of the Senate, four thousand dollars.

SEC. 2. This Act shall take effect immediately.

CHAPTER V.

Assembly Concurrent Resolution No. 10, relative to the establishment of Experimental Stations in connection with Agricultural Colleges.

[Adopted April 15, 1884.]

WHEREAS, There is now pending before Congress a bill to establish National Experimental Stations in connection with the Agricultural Colleges of the various States; therefore, be it

Preamble.

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress be requested to use their utmost endeavor to secure the passage of said bill.

National Experimental Stations.

Resolved, That the Governor of the State of California be requested to transmit a copy of this resolution to each of our Senators and Representatives.

CHAPTER VI.

Assembly Concurrent Resolution relative to river and harbor appropriations made by the Congress of the United States for the Pacific Coast and remaining now unexpended.

[Adopted April 30, 1884.]

WHEREAS, It is reported that the Secretary of War refuses to permit the expenditure of the appropriation made by Congress of the United States of America for the improvement of the Sacramento and other rivers and their tributaries situated within this State; whereas, the demands of commerce, the interests of the people, and the protection of these great highways of nature, imperatively demand that every effort should be made to maintain them so that their navigation for commercial purposes may be unimpeded and the inauguration of such improvements be made as may best secure that result; whereas, the flow of debris in the rivers of the State has been restrained under the decision of the Circuit Court of the United States, and, therefore, the reason advanced by the War Department, that as long as that was permitted it was useless to expend public moneys in their improvement, no longer exists; therefore, be it

Improvement of the rivers of California.

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress be requested to use all honorable means, either by personal application at the War Department, or by action of Congress, to secure, on the part of the Government of the United States, the improvement of the rivers hereinbefore named.

Be it further resolved, That his Excellency the Governor of the State of California be requested to send a duly certified

copy of these resolutions to the Secretary of War, Hon. Robert T. Lincoln, and to our Senators and Representatives in Congress.

CHAPTER VII.

An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year.

[Approved May 6, 1884.]

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

Appropriation for legislative expenses.

SECTION 1. The following sums of money are hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to pay the expenses of the extra session of the Legislature, and other matters incidental thereto:

Per diem of Assembly.

For the per diem and mileage of Assemblymen, sixteen thousand and five hundred dollars.

Officers of Assembly.

For pay of officers and clerks of Assembly, two thousand dollars.

Contingent expenses of Assembly.

For contingent expenses of the Assembly, two thousand and five hundred dollars.

Per diem of Senate.

For the per diem and mileage of the Lieutenant-Governor and Senators, ten thousand dollars.

Officers of Senate.

For pay of officers and clerks of the Senate, three thousand dollars.

Contingent expenses of Senate.

For contingent expenses of the Senate, two thousand and five hundred dollars.

SEC. 2. This Act shall take effect immediately.

CHAPTER VIII.

An Act to provide for funding the indebtedness of counties in certain cases.

[Approved May 8, 1884.]

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

Outstanding indebtedness of counties on January 1, 1880.

SECTION 1. Whenever any county shall have had, at twelve o'clock meridian, on the first day of January, eighteen hundred and eighty, an outstanding indebtedness, evidenced by bonds or warrants thereof, theretofore legally issued, and such indebtedness, or any part thereof, shall have been thereafter paid in accordance with the laws in force at the time such bonds or warrants were issued, out of the income and revenue received by such county since that date, and such

county shall have, since that date, incurred an indebtedness, evidenced by warrants thereof, which indebtedness shall not have exceeded in any year, the income and revenue provided for such county for such year, and which warrants shall not have been paid by reason solely of such application of the current revenue of such county to the payment of such former indebtedness, the Board of Supervisors of such county, by a vote of two thirds of all the members thereof, are empowered, if they deem it for the public interest, to fund such last mentioned indebtedness, and to issue bonds of such county therefor, in the manner provided in subdivision fourteen of section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March fourteenth, eighteen hundred and eighty-three; and all the provisions of said subdivision of said section shall apply to the issuance, disposal, and payment of such bonds, and to the levy of taxes for the redemption of the same, except as herein otherwise provided.

May be funded.

SEC. 2. No indebtedness of such county shall be funded under the provisions of this Act, which, in any year, exceeded the income and revenue provided for such county for such year, nor which shall exceed the amount of current revenue which shall have been so applied to the payment of indebtedness outstanding at twelve o'clock meridian, on the first day of January, eighteen hundred and eighty.

Indebtedness shall not be funded that exceeds the revenue for any year.

SEC. 3. Such bonds shall, in addition to the matters required to be stated therein by the provisions of the above mentioned Act, contain a statement that they are issued under authority of this Act, referring to the same by its title and date of passage.

Bond to state that they are issued under this Act.

SEC. 4. Such bonds, when issued, may be exchanged by the County Treasurer, under the direction of the Board of Supervisors, only for warrants of such county legally issued since twelve o'clock meridian on the first day of January, eighteen hundred and eighty, which, together with warrants theretofore issued, did not, in any year, exceed the income and revenue provided for such county for such year, and which shall remain unpaid solely because the revenue otherwise applicable to the payment of the same shall have been so applied to the payment of such former indebtedness. If any portion of such bonds shall be sold for money, the proceeds thereof shall be applied exclusively to the payment of the warrants mentioned in this section.

Bonds may be exchanged for warrants only unpaid on January 1, 1880.

SEC. 5. This Act shall take effect immediately.

CHAPTER IX.

Assembly Concurrent Resolution No. 9, relative to the location of the eastern boundary line of the State of California.

[Adopted May 5, 1884.]

Preamble.
Reference to
eastern
boundary
line of
California.

WHEREAS, That portion of the eastern boundary line of the State of California, which lies south of the thirty-ninth degree of north latitude, and which runs in a straight line, in a southeasterly direction, to the Colorado River, at a point where it intersects the thirty-fifth degree of north latitude, is improperly located, and the monuments therefor are in some places more than a mile from the true boundary line; and whereas, said monuments do not indicate a straight line, but a broken one, such as is not responsive to the description of the true boundary; and whereas, the true boundary line is not marked by monuments, and great inconvenience arises to those settlers who live on the territory between the true line and the line marked by monuments, as aforesaid, on account of uncertainty as to what State they reside in, to what State their taxes are due, the true description of the land whereon they are settled, and various other matters; now, therefore, be it

Request that
Congress
locate the
line.

Resolved by the Assembly, the Senate concurring, That our Senators be instructed, and our Representatives requested, to procure such action by the Congress of the United States, as will secure the services of a corps of able engineers of the United States to locate said true boundary line, and to fix suitable monuments thereon.

Resolved, That his Excellency the Governor be requested to forward to each of our Senators and Representatives in Congress a copy of the foregoing resolution.

CHAPTER X.

Assembly Concurrent Resolution No. 12, relative to the removal of causes pending in the Courts of the State of California, to the Federal Courts of the United States.

[Adopted May 2, 1884.]

Preamble.

WHEREAS, The character and class of cases which may be removed from a State Court to an inferior Federal Court, for trial therein, is prescribed by the Act of Congress of March third, eighteen hundred and seventy-five, now in force; and whereas, by the provision of said Act, it is now become competent for a citizen of this State, or a corporation organized under the laws of this State, when sued by the State for the recovery of taxes due, to remove such suit into the Circuit Court of the United States for trial; and

whereas, such removal is productive of delay, and is derogatory to the authority of the State, and injurious to the public interests involved; therefore, be it

Resolved by the Assembly, the Senate concurring, That our Senators be and they are hereby instructed, and our Representatives requested, to use their best endeavors to procure an amendment to said Act of March third, eighteen hundred and seventy-five, excepting from its operation all suits brought in the Courts of any State, to enforce the collection of the revenue of such State, or of any county thereof, and leaving all Federal questions involved, or claimed to be involved in any such suit, to be examined in the Supreme Court of the United States, and determined upon a writ of error, as was the settled practice for the first seventy years of our national existence.

Excepting State tax suits from the operation of the Act of Congress of March 3, 1875, removing causes to Circuit Courts.

CHAPTER XI.

Senate Concurrent Resolution No. 3, relative to a bill now pending in Congress providing a Territorial Government for Alaska.

[Adopted May 6, 1884.]

WHEREAS, There is now pending before Congress a bill to organize the Territory of Alaska, which bill has passed the Senate; now, therefore,

Our Representatives in Congress requested to urge the organization of the Territory of Alaska.

Resolved, That our Representatives be requested to use all reasonable means to secure the early passage of said bill.

CHAPTER XII.

Senate Concurrent Resolution No. 4, relative to instructing our Senators in the Senate of the United States to support the Mexican Veterans' Pension Bill.

[Adopted May 9, 1884.]

Resolved by the Senate, the Assembly concurring, That whereas a bill has passed the House of Representatives pensioning the veterans of the Mexican war, most of whom are now, from old age and infirmity, in a condition to command the sympathy of all good citizens; and whereas, said bill is now pending in the United States Senate; therefore, be it

In favor of pensioning veterans of Mexican war.

Resolved, That our Senators are hereby instructed to vote for said bill and to use all honorable efforts to facilitate its progress in becoming a law.

CHAPTER XIII.

An Act amending section nine, article thirteen, of the Constitution.

[Approved May 20, 1884.]

Proposed amendment to the Constitution.

The Legislature of the State of California, at its twenty-fifth (extra) session, commencing on the twenty-fourth day of March, A. D. eighteen hundred and eighty-four, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby proposes that section nine, of article thirteen, of the Constitution of the State of California, be amended so as to read as follows:

Against raising mortgages, deeds of trust, contracts, or other obligations by which a debt is secured, money, or solvent credits, above face value.

SECTION 9. A State Board of Equalization, consisting of one member from each Congressional District in this State, as the same existed in eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and eighty-six, and at each gubernatorial election thereafter, whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation. The Controller of State shall be ex officio a member of the Board. The Boards of Supervisors of the several counties of the State shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as the County Boards may prescribe, as to the county assessments, and under such rules of notice as the State Board may prescribe as to the action of the State Board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll; *provided*, that no Board of Equalization shall raise any mortgage, deed of trust, contract, or other obligation by which a debt is secured, money, or solvent credits, above its face value. The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts as nearly equal in population as practical, and to provide for the elections of members of said Board of Equalization.

CHAPTER XIV.

Assembly Concurrent Resolution No. 18, relative to declaring the twenty-ninth day of August, A. D. eighteen hundred and eighty-four, a public holiday, as a mark of respect to the memory of Junipero Serra.

[Adopted May 9, 1884.]

WHEREAS, The twenty-ninth (29th) day of August, A. D. Preamble. eighteen hundred and eighty-four, will mark the lapse of one hundred years since the burial of Junipero Serra, at the Mission of San Carlos, in the County of Monterey; and whereas, the citizens of California, irrespective of differences in religious faith, have always entertained, and often in public assemblage have expressed, their appreciation of the high personal character of the founder of the Missions, which were the first settlements of civilized man in California, and their grateful recognition of the distinguished part he bore in the earlier civilization of the State; and whereas, it is becoming that a suitable official memorial of their sentiments in that behalf should appear in the recorded proceedings of the Legislative and Executive Departments of the State. Therefore, as a tribute of respect to the memory of Junipero Serra,

Resolved by the Assembly of the State of California, at its twenty-fifth (extra) session, the Senate concurring, That his Excellency the Governor be and he is hereby respectfully requested to issue his proclamation appointing and declaring the twenty-ninth day of August, eighteen hundred and eighty-four, to be observed as a public holiday.

Requesting Governor to issue proclamation declaring the 29th of August, 1884, to be observed as a public holiday.

CHAPTER XV.

Assembly Concurrent Resolution No. 20, relative to the acquisition of large landed estates in the United States by non-resident foreigners.

[Adopted May 13, 1884.]

WHEREAS, The people of this country have witnessed with Preamble. alarm the acquisition of large landed estates in the United States by men belonging to a class of aristocrats whose conduct in the management of estates owned by them in their respective countries, and the evils resulting therefrom, does not commend itself for adoption or countenance to the thoughtful consideration of American citizens; whereas, such accumulation of lands in the hands of the few, whether held by the nobility of foreign lands, or by land monopolists of our own, is contrary to our system of government, detrimental to the welfare of the masses, and fraught with grave dangers for the future; whereas, there is now pending in the Congress of the United States a law

having for its object the prevention and correction of these abuses; therefore, be it

Our Representatives in Congress requested to use all proper means to prevent land monopoly in the United States.

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress be requested to use all proper means to insure the passage of a suitable measure to prevent, in this country, the occurrence of the evils that have blighted the prosperity of many nations, and condemned to a condition of servitude thousands of human beings. Be it further

Resolved, That his Excellency Governor George Stoneman transmit a copy hereof to our Senators and Representatives.

INDEX OF STATUTES.

	PAGE.
APPROPRIATION—Assembly, per diem and mileage.....	6-8
Assembly, pay of officers and clerks.....	6-8
Assembly, contingent expenses.....	6-8
Senate, per diem and mileage.....	6-8
Senate, pay of Lieutenant-Governor, officers, and clerks.....	6-8
Senate, contingent expenses.....	6-8
BOARD OF SUPERVISORS—To fund indebtedness of county.....	9
BONDS—County may issue, to fund indebtedness.....	9
COUNTY GOVERNMENT ACT—To apply to mode of issuing bonds.....	9
TREASURER OF COUNTY—To exchange bonds for warrants.....	9

INDEX OF RESOLUTIONS.

	PAGE.
ACTIONS—Against removal from State to Circuit Court, U. S., of.....	10
AGRICULTURAL COLLEGES—To have Experimental Stations.....	7
ALASKA—Territorial Government for.....	11
ALIENS—Holding landed estates.....	13
BOUNDARY LINE—Of California.....	10
CALIFORNIA—Asking Congress to establish east boundary line of.....	10
CHINESE RESTRICTION ACT.....	6
CIRCUIT COURTS—To prevent removal of actions from State to.....	10
CONSTITUTION—Amendment relating to revenue, of.....	12
EXPERIMENTAL STATIONS—At Agricultural Colleges.....	7
HARBOR AND RIVER—Appropriations.....	7
HOLIDAY—In memory of Junipero Serra, asking Governor to declare.....	13
JUNIPERO SERRA—Asking Governor to declare holiday in memory of.....	13
LANDS—Against holding by aliens of.....	13
MEXICAN VETERANS—Pension bill for.....	11
MILLS, D. O.—Thanks for statuary.....	5
MORTGAGES—Amendment to Constitution, reference to raising value of.....	12
NATIONAL EXPERIMENTAL STATIONS—To be connected with Agricultural Colleges.....	7
POSTAL TELEGRAPH BILL—Passage by Congress of.....	5
REVENUE—Constitutional amendment relative to.....	12
RIVERS AND HARBORS—Appropriation by Congress for.....	7
TELEGRAPH—Bill in Congress for postal.....	5
VETERANS—Pension for Mexican War.....	11