

S241825

**IN THE
SUPREME COURT OF CALIFORNIA**

VINCENT E. SHOLES,
Plaintiff and Appellant,

v.

LAMBIRTH TRUCKING COMPANY,
Defendant and Respondent.

SUPREME COURT
LODGED EXHIBITS

DEC 15 2017

Deputy

AFTER A DECISION BY THE COURT OF APPEAL, THIRD APPELLATE DISTRICT
CASE NO. C070770

**EXHIBITS TO MOTION FOR JUDICIAL NOTICE
[VOLUME 2 OF 2 • Pages 271-472]**

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SCHOLES V. LAMBIRTH TRUCKING CO.
CASE NO. S241825

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ORGANIZATION OF SUPREME COURT.

[Constitution, article VI, section 2.]

Sec. 2. The Supreme Court shall consist of a chief justice and six associate justices. The Court may sit in departments and in Bank, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, Department One and Department Two. The chief justice shall assign three of the associate justices to each department, and such assignment may be changed by him from time to time. The associate justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves, or as ordered by the chief justice. Each of the departments shall have the power to hear and determine causes, and all questions arising therein, subject to the provisions hereinafter contained in relation to the Court in Bank. The presence of three justices shall be necessary to transact any business in either of the departments, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment. The chief justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the Court to be heard and decided by the Court in Bank. The order may be made before or after judgment pronounced by a department; but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two associate justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four justices may,

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either before or after judgment by a department, order a case to be heard in Bank. If the order be not made within the time above limited, the judgment shall be final. No judgment by a department shall become final until the expiration of the period of thirty days aforesaid, unless approved by the chief justice, in writing, with the concurrence of two associate justices. The chief justice may convene the Court in Bank at any time, and shall be the presiding justice of the court when so convened. The concurrence of four justices present at the argument shall be necessary to pronounce a judgment in Bank; but if four justices, so present, do not concur in a judgment, then all the justices qualified to sit in the cause shall hear the argument; but to render a judgment, a concurrence of four judges shall be necessary. In the determination of causes, all decisions of the Court in Bank or in departments shall be given in writing, and the grounds of the decision shall be stated. The chief justice may sit in either department, and shall preside when so sitting, but the justices assigned to each department shall select one of their number as presiding justice. In case of the absence of the chief justice from the place at which the Court is held, or his inability to act, the associate justices shall select one of their own number to perform the duties and exercise the powers of the chief justice during such absence or inability to act.

SUPREME COURT COMMISSIONERS.

(Statutes 1901, page 272.)

SECTION 1. The Supreme Court of the State of California shall, immediately upon the expiration of the term of office of the present Supreme Court Commissioners, appoint five persons of legal learning and personal worth as Commissioners of said Court. It shall be the duty of said Commissioners, under such rules and regulations as said Court may adopt, to assist in the performance of its duties, and in the disposition of the numerous causes now pending in said Court undetermined. The said Commissioners shall hold office for the term of two years from and after their appointment, during which time they shall not engage in the practice of the law. They shall each receive a salary equal to the salary of a Judge of said Court, payable at the same time and in the same manner. Before entering upon the discharge of their duties, they shall each take an oath to support the Constitution of the United States and the Constitution of the State of California, and to faithfully discharge the duties of the office of Commissioner of the Supreme Court to the best of their ability. The said Court shall have power to remove any and all members of said Commission at any time, by an order entered on the minutes of said Court, and all vacancies in said Commission shall be filled in like manner.

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(S. F. No. 2838. In Bank. — October 10, 1901.)

CHARLOTTE A. LEWIS, Administratrix, etc., Petitioner,
v. FRANK H. DUNNE, Judge of the Superior Court,
etc., Respondent.

REVISION OF CODES—CONSTITUTIONAL LAW—IMPROPER ENACTMENT—
INSUFFICIENT TITLE. — The act of March 8, 1901 (Stats. 1901, p. 117),
entitled "An act to revise the Code of Civil Procedure of the state
of California, by amending certain sections, repealing others, and
adding certain new sections," is unconstitutional and void, both
because the law revised was not re-enacted and published at length
as revised, and because it does not embrace but one subject, ex-
pressed in its title, as required by section 24 of article IV of the
state constitution. The mere reference to the Code of Civil Pro-
cedure does not express any subject.

PETITION for writ of *mandamus* to a Judge of the Su-
perior Court of the City and County of San Francisco. Frank
H. Dunne, Judge.

The facts are stated in the opinion of the court.

W. B. Bosley, John S. Drum, J. R. Pringle, Stafford & Staf-
ford, and D. O. Deasy, for Petitioner.

John S. Partridge, for Respondent.

A. C. Freeman, George J. Denis, and W. C. Van Fleet, *amicus
curie*, also for Respondent.

McFARLAND, J.—This is an original petition here for a
writ of *mandamus*. An alternative writ was issued, and upon
answer of respondent and argument of counsel the cause was
submitted. Whether or not the writ should be made absolute
depends upon the constitutionality of a certain act of the legis-
lature approved March 8, 1901. If the act is constitutional,
then the writ should be denied; if not, then it should issue.
Several other cases involving the same questions have been
submitted, and the decision in this case will be determinative
of the others.

Petitioner contends that the act in question is void because
violative of the following parts of section 24 of article IV of the
state constitution: "Every act shall embrace but one subject,
which subject shall be expressed in its title. . . . No law shall

be revised or amended by reference to its title; but in such cases the act revised or section amended shall be re-enacted and published at length as revised or amended."

The title of the act in question (Stats. 1901, p. 117) is as follows: "An act to revise the Code of Civil Procedure of the state of California, by amending certain sections, repealing others, and adding certain new sections."

The said Code of Civil Procedure was not "re-enacted and published at length as revised."

The first impression made upon the ordinary mind by a comparison of these constitutional provisions with the title and body of the act is, that in the latter there is a clear failure to comply with the former. It seems as though the mind of either layman or lawyer might accept with safety the construction which, at first blush at least, is so obvious, and we do not think that the reasoning of counsel for respondent, or authorities cited, overcome this obvious view, or rightly lead to an opposite conclusion.

1. Petitioner contends that both the title and the body of the act show that it was intended to be, and is, a revision of the code, and that therefore it is invalid, because the law revised was not "re-enacted and published at length as revised"; and we see no sufficient answer to this contention. It is said that the title does not express a revision, because the language used is, "to revise, by amending certain sections, repealing others, and adding certain new sections." But how could there be a revision of a sectionized code in any way other than by amending and repealing sections and adding new ones? With respect to this phase of the case, the words, "by amending," etc., are mere surplusage; the title would be substantially the same if the words "to revise" stood alone. And when we look at the body of the act we see clearly that it is a revision. It covers one hundred and fifty pages of the published statutes of 1901; it amends over four hundred sections; it repeals nearly one hundred sections; it changes the numbers of other sections; it adds a great many new sections; and it contains this clause, "Certain title and chapter headings of the said Code of Civil Procedure are hereby inserted, changed, and amended, as hereinafter provided," and then follow several pages of insertions, changes, and amendments of such headings. If this is not a revision, then it would be difficult to state what would constitute a revision. Moreover, prior legislation on the subject

shows that the act in question was the natural result of a purpose to revise. The preamble to the act states that by a certain act a commission had been appointed "for the revision and reforming of the law," and, among other things, "of the Code of Civil Procedure"; and it recites, "That whereas said commission did theretofore, in pursuance of said act, file with the secretary of state a report recommending, among other things, a revision of the Code of Civil Procedure; now, therefore, in view of said recommendation, for the purpose of revising said code, the people of the state . . . do enact as follows." In view of all these considerations, we are forced to the conclusion that the act is a revision, and void for want of re-enactment and publication at large of the revised law, as contended by petitioner.

2. But if the invalidity of the act for the reason above given could by any recoditic, indirect, and abstruse reasoning be explained away, it is just as clear that the act is void for want of compliance with the other constitutional provisions, that "every act shall have but one subject, which subject shall be expressed in its title." It is apparent that the language of the title of the act in question, in and of itself, expresses no subject whatever. No one could tell from the title alone what subject of legislation was dealt with in the body of the act; such subject, so far as the title of the act informs us, might have been entirely different from anything to be found in the act itself. This, of course, would be admitted, except for the claim that although the title does not, as an independent instrument, express any subject, yet it does so by "reference."

It may be conceded that where the title of an act clearly expresses a definite subject, then the title of an act amendatory thereof may be helped out by reference to the title of the original act,—the title of the original act, which does express a subject, being incorporated into and published as part of the title of the amendatory act. But, in the case at bar, how does the reference in the title help its failure to otherwise express the subject? The reference is, really, not to the title of any former act; it is merely to "the Code of Civil Procedure of the state of California." Now, what is the Code of Civil Procedure? It is merely a name given to a large part of the general laws of the state. The part of the great body of our laws which is to be found under that name is not confined to any particular subject or subjects, but includes substantive law, criminal law,

and legislation, that might be properly classed under any category whatever,—as well as “civil procedure.” Nearly all of our general laws are arranged, for convenience, under four main headings, or names,—to wit, the Civil Code, the Code of Civil Procedure, the Penal Code, and the Political Code,—but no one of these codes is complete in itself; legislation under either code is inseparably interwoven with legislation under the others; and legislation upon any imaginable subject would not be held invalid because found in any particular code. In *Ewas v. Snyder*, 131 Cal. 88, it was contended that a certain provision of law did not affect rights involved in a civil proceeding, because found in the Penal Code, but this court said: “The position is not tenable. We have here a code system which is, for convenience and partial classification, divided into four codes, to each of which a name is given; but they are inseparably interwoven, and no one of them is complete in itself, or absolutely confined to a particular subject. Therefore, clear enactments of substantive law establishing rights—like section 294—are not to be held inoperative because found in any particular code.” It was also said in that case,—touching the provision in the Penal Code for the recovery of certain expenses in a civil action,—“It would hardly be contended that the provision about liability in a civil action is inoperative because found in the Penal Code.” How, then, can it be rightly said that a mere reference in the title of an act to the Code of Civil Procedure—or to any other code—expresses any subject? If so, what subject? If the reference had been merely to “civil procedure,”—if it had been “an act concerning civil procedure,”—it is doubtful if it would have been in accordance with the clear intent of the constitution as to *one subject*. There is no definition, in our laws, of “procedure,” nor can any satisfactory definition of it be found in the general authorities. For instance, some authorities hold that the law of evidences is part of the law of procedure, and others that it is not; and assuming that the former authorities are correct, could it be safely said that “pleading”—which is certainly a part of procedure—and “evidences” are not two different subjects, within the meaning of the constitution? In all the books of the law, pleading and evidences are uniformly treated as two entirely distinct subjects. But, as before stated, the title merely refers

¹ 82 Am. St. Rep. 380.

to one of our codes, and, considering the multifarious character of the codes, it expresses no subject whatever. It does not even refer to a single section which is to be amended or repealed; and as to the “new sections,” it does not give the slightest intimation as to what they are to contain, or what subject they are to deal with. And, according to respondent’s contention, these new sections need not deal with anything formerly in the code; in addition to being new sections, they could include new subjects. When we look into the body of the act, we see that it deals with a vast variety of subjects, many of which are totally distinct from each other; and many of them have no relation to civil procedure, while others are partly procedure and partly substantive law,—declarations as to personal and property rights. And as the body of the act embraces more than one subject, it is for that reason invalid; for there is no field here for the play of the principle that a provision, the subject of which is expressed in the title, may be good, although another, not so expressed, be bad, where the two are not inseparably connected; because it would be vain to inquire which of several subjects is expressed in a title which expresses no subject whatever.

We cannot agree with the contention of some of respondent’s counsel—apparently to some extent countenanced by a few authorities—that the provision of the constitution in question can be entirely avoided by the simple device of putting into the title of an act words which denote a subject “broad” enough to cover everything. Under that view, the title, “An act concerning the laws of the state,” would be good, and the convention and people who framed and adopted the constitution would be convicted of the folly of elaborately constructing a grave constitutional limitation of legislative power upon a most important subject, which the legislature could at once circumvent by a mere verbal trick. The word “subject” is used in the constitution in its ordinary sense; and when it says that an act shall embrace but “one subject,” it necessarily implies—what everybody knows—that there are numerous subjects of legislation, and declares that only one of these subjects shall be embraced in any one act. All subjects cannot be conjured into one subject by the mere magic of a word in a title. As to this point, the supreme court of New Jersey, in *Rader v. Township of Union*, 89 N. J. L. 515, well says: “It is true that it may be difficult to indicate by a formula how specialized the

title of a statute must be; but it is not difficult to conclude that it must mean something in the way of being a notice of what is doing. Unless it does this, it can answer no useful end. It is not enough that it embraces the legislative purpose—it must express it; and where the title is too general, it will accomplish the former, but not the latter. Thus a law entitled 'An act for a certain purpose' would embrace any subject, but would express none; and consequently it would not stand the constitutional test." There is a good deal of discussion, in the briefs, of the supposed reasons for the constitutional provision in question,—the evils which it was intended to remedy, etc.,—but whatever considerations led up to its adoption, it is clear that its direct and immediate purpose was, that the title should, on its face, give at least some sort of information as to what the proposed act was about. This the title in question does not do.

We do not deem it necessary to notice in detail the authorities cited by counsel. As to those from other jurisdictions cited by counsel for respondent, it is to be observed that they were decided under state constitutions in which there was no such provision as that contained in section 22 of article I of the present constitution of California adopted in 1879,—namely, "The provisions of this constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise." The constitution of this state of 1849 had a provision as to the title and subject of acts similar to said section 24 of article IV, but from an early date it was construed to be merely directory (*Washington v. Page*, 4 Cal. 388); and the purpose of said section 22 of article I was evidently to prevent such construction in the future. The declaration that all the provisions of the constitution are mandatory and prohibitory "applies to all sections alike." (*Ewing v. Orville Mining Co.*, 56 Cal. 654, 655.) The distinction between a constitution which contains this provision and those which do not is noticed by Mr. Justice Ross, in delivering the opinion of the court in *Earle v. San Francisco Board of Education*, 55 Cal. 481. After referring to the contention that the question there involved had been decided in a certain way in other states, he says: "It is true that it has been so decided, but under constitutions not containing a declaration that its provisions are 'mandatory and prohibitory, unless by express words they are declared to be otherwise,' as does the present constitution of this state." And in

connection with the claim that the section of the constitution involved in this case should be liberally construed,—and it certainly should be construed with reasonable liberality,—it is well to quote these other words of the opinion in the same case: "To maintain the constitution as it is, is our first duty, and whenever it is encroached upon, we are bound to maintain its supremacy." In many of the state constitutions the clause concerning the title and subject of statutes differs materially from section 24 of article IV of our constitution. And in most of the cases cited by respondent from other states the title assumed referred, at least, to one subject, although the subject was somewhat general. The most extreme cases were those where the title was to establish a particular kind of code relating to one general subject,—as, for instance, "An act to establish a probate code." Whether or not an act "to establish a code of civil procedure"—and confined in its body to civil procedure alone—could be validly passed under our present constitution, is a question not here before us. The question in the case at bar is, whether or not the title of an act passed under the present constitution, which merely refers to a part of the body of the general laws of the state, that is not confined to any subject whatever, expresses the subject of the proposed act, within the meaning of the constitution.

But the authorities in other states, and under constitutions which do not contain the mandatory and prohibitory provisions, are not, by any means, uniform on this question. For instance, in *People v. Ellis*, 85 N. Y. 449, the question was, whether the title, "An act to amend chapter 389 of the laws of 1851," was valid, under a constitutional provision that no private or local bill "shall embrace more than one subject, and that shall be expressed in the title," and it was held that it was not. The court said: "The provision of the constitution of this state in reference to this matter is very plain and simple, and easily understood." The "chapter" mentioned in the title contained 298 sections, and the body of the act showed that its purpose was to make an important amendment to section 290, and the court said: "The act under consideration does not indicate from its title what particular part of the section of the act of 1851 is amended, or any reference or indication of the subject-matter of the amendment." The court further said: "The next inquiry is, in the substance of this act expressed in the title thereof? The statement of the question, and a reference

to the title, provide a conclusive answer. . . . From its title it might as well be supposed to refer to any one of the numerous topics embraced in the 293 sections of chapter 389 of the laws of 1851, as to the matter covered by the 290th section of that act. . . . To sanction such a procedure would be to override and nullify a plain, clear, and mandatory provision of the constitution." And then follows language quoted from a former opinion, as follows: "Nothing can be more dangerous to our free institutions, or to the rights of the people, than to encourage doubtful interpretation of the constitution, contrary to its more plain and natural import, as understood by the great body of the people. . . . It is very clear, to my mind, that the subject of this act is not expressed in its title, and it must therefore fall under the condemnation of this section of the constitution." (See also *People v. Supervisors*, 43 N. Y. 10; *People v. Demahy*, 20 Mich. 847; *Davis v. Fulton*, 21 Ga. 69; *Brooks v. People*, 14 Col. 418; *Rader v. Township of Union*, 89 N. J. L. 516; *Traque v. Village of Fort Chester*, 101 N. Y. 303; *Trumble v. Trumble*, 87 Neb. 841; *State v. Scholl*, 58 Kan. 507; *State v. Mitchell*, 17 Mont. 67; *Kedzie v. Swington*, 54 Minn. 117.)

The decisions in California on this subject are not directly determinative of the question presented in the case at bar. The sufficiency of such a title as is here involved has never been presented to this court. *People v. Parvin*, 74 Cal. 549, is the only case here that can be at all insisted upon as supporting the respondent's contention. The title under consideration there was this: "An act to amend section 3481 of the Political Code." It referred to one single section, and named it. The almost universal custom of the legislature, in the numerous amendments which it has made to the codes, has been to put into the title of the amendatory act, after the number of the section, additional words expressing the subject of the act, — as, for instance, "relating to the writ of prohibition," "relating to the lien of mechanics and others," etc. In a very few instances — not more than two or three having been called to our attention — the additional explanatory words have been omitted, and one of these was involved in *People v. Parvin*, 74 Cal. 549. A bare majority of the court — two justices dissenting and one not participating — held that the title was sufficient; but if we accept the decision as sound, it goes no further than to hold that the title of an act amending a single

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section of a code is sufficient, if it directly refers to the section and designates it by its number. It is not an authority for the sufficiency of such a title as is here involved, which refers to no section whatever, and it cannot be considered as determinative of the question involved here, which was not before the court in the facts of that case. On the other hand, in the opinions rendered in the following cases, although the cases themselves are not directly in point, the reasoning by which certain titles were held to be bad, and others good, points to the insufficiency of the title involved in the case at bar: *People v. Parks*, 58 Cal. 624; *Ex parte Liddell*, 93 Cal. 638; *Helmen v. Shulters*, 114 Cal. 188; *People v. Mullender*, 132 Cal. 217. Complaint is made that the rule as above stated would put the legislature to great inconvenience when it desired to make a great many amendments or indulge in a great deal of legislation at one session or at one time. That consideration could not, under any circumstances, destroy a constitutional provision. But — without impugning the wisdom of any provision of the act before us — it is quite apparent that the very purpose of the constitutional provision in question is to prevent the evils which might come from hasty, inconsiderate, or wholesale legislation. Statutes which cannot be enacted in the manner prescribed by the constitution should not be attempted. A scarcity of statutory laws, and want of facility for passing them, are not among the evils of the times.

Our conclusion is, that, for the reasons above stated, the said act of March 8, 1901, is unconstitutional, and void for all purposes, and is inoperative to change or in any way affect the law of the state as it stood immediately before the approval of said act.

Let the alternative writ be made absolute.

Henshaw, J., Van Dyke, J., Temple, J., Harrison, J., and Garoutte, J., concurred.

BEATTY, C. J., concurring. — I concur in the judgment, on the ground first discussed in the opinion of Justice McFarland. The act of 1901 is certainly a revision of the Code of Civil Procedure, and, as such, required to be re-enacted and republished at length, in order to satisfy the mandate of the constitution, but, in my opinion, it does not embrace more than one subject, and that subject is clearly expressed in its title.

The rules of procedure in civil cases constitute but a single and well-defined subject, and our present code, as adopted in 1872, with its subsequent amendments, embraces but few provisions not strictly germane to that subject. If it had been enacted since the adoption of our present constitution, it would have been entirely valid, except as to those few provisions. But it was valid in all particulars at the time of its enactment, and was not invalidated by the adoption of the new constitution, even as to such of its provisions as did not relate to the procedure in civil cases. The code itself therefore became and remains a subject, and a single subject, of legislation. An act to amend it or revise it deals with a single subject, and the title of such an act expresses the subject when it announces the purpose of the legislature to amend or revise the code. The authorities cited in the briefs of counsel fully sustain the proposition that an act entitled an act to amend any valid existing statute described by its title is sufficiently descriptive of the subject, and of the whole subject, embraced in such statute.

But conceding that an act to revise or amend our existing code would be invalid as to any particular provisions not germane to the subject of procedure in civil cases, the act would be in other respects free from objection; and no provisions of the act of 1891 have been called to our attention which deal with other subjects, and certainly the particular provision here in question does not.

For these reasons, thus briefly indicated, I dissent from the views of the court respecting the second objection to the act.

Rehearing denied.

The Revision and Codification of California Statutes 1849-1953

Ralph N. Kleps*

A EARLY ATTEMPTS AT ORGANIZING THE STATUTE LAW (1850-1870)

At its earliest session the California Legislature was compelled to choose between a codified form of the civil law on the one hand and the English common law system on the other. The chaotic condition of the law under which all government operated immediately prior to the 1848 Treaty of Guadalupe Hidalgo has been described by early writers.¹ Some of the uncertainties were resolved by the adoption of the Constitution of California on November 13, 1849. The first legislature, meeting at San Jose on December 15, 1849, however, was confronted with the problem of creating the statutory foundation for a complete system of law in advance of California's admission to the Union in 1850. Governor Peter H. Burnett recommended in his message to the legislature that it adopt the English law of crimes, law of evidence and law merchant, and that the Louisiana Civil Code and Code of Civil Procedure be enacted.² A committee of the legislature appointed to study the matter reported back with a stirring defense of the common law system and expressed its view that the legislature could not hope, in the time available, to enact a codified system of law based upon the several sources suggested. This view prevailed and led to a repeal of substantially all laws in force other than those adopted at the 1849-50 session and to the adoption of the common law of England where no other provision was made.³ While this decision avoided the necessity for the legislature's attempting to enact a complete code of laws, that first session did enact detailed statutes governing crimes, criminal procedure, civil and probate procedure and corporations, with the result that substantial portions of the law were in effect codified for the time being.⁴ The first legis-

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¹ See Justice Nathaniel Bennett's summary in 1 California Reports, Appendix 574-582; Van Alstyne, *The California Civil Code*, WEST'S ANN. CIV. CODE 1-43 (1954).

² JOURNALS OF SENATE AND ASSEMBLY 33 (1849-1850); STRUCK, HISTORY OF BENCH AND BAR OF CALIFORNIA 47 (1901).

³ 1 California Reports, Appendix 582-604; JOURNALS OF SENATE AND ASSEMBLY 323, 1125, 1204 (1849-1850). Cal. Stats. 1850, ch. 95 (now CAL. CIV. CODE § 22.2) and 125.

⁴ Cal. Stats. 1850, ch. 99 (crimes), 119 (criminal procedure), 142 (civil procedure), 129 (probate procedure) and 128 (corporations). These acts were divided into parts, titles and chapters and consisted of hundreds of sections. The statute on criminal procedure, for example, contained 746 sections. The 1850 statutes on civil and criminal procedure were based almost entirely on the 1848-1849 FIELD CODES OF CIVIL PROCEDURE AND CRIMINAL PROCEDURE drafted in New York. See FARRIS, *The History of the Adoption of the California Codes*, 22 LAW LIB. J. 8, 12 (1929); REEPE, DAVID DUDLEY FIELD CENTENARY ESSAYS 24, 45 (1949).

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lature was understandably concerned about the availability of its acts and provided for speedy publication of the statutes, particularly those of general application.⁵

Sessions of the legislature were annual from 1850 to 1863, and the need for some revision of the statutes was apparent when the second annual session of the legislature met in January, 1851. Stephen J. Field, who was an assemblyman at that second session, has been given credit for the statutes passed at that time which were based upon David Dudley Field's work in New York and which revised the civil and criminal practice acts. In addition, the acts regulating probate procedure and the organization of the courts were revised.⁶ These revisions were accomplished as present day code revisions are accomplished in California, by the express repeal of the earlier statutes and the substitution of the new and revised acts. Despite these substantial revisions in 1851 and the fact that only two sessions of the legislature had been held, both the outgoing Governor and the incoming Governor found occasion to suggest to the 1852 session the need for "an entire revision of our code of laws."⁷ Apparently as a result of this recommendation of both Governors, and the Attorney General as well, a bill was then introduced, calling for the appointment of a commission to codify the laws of the state.⁸ The bill was unsuccessful but the problems which gave rise to these expressions of concern grew worse with each session of the legislature thereafter and the records of those years reflect this. In 1853 the legislature passed a statute providing for a private compilation of the laws of the state, and the work, entitled "Compiled Laws of the State of California," was available by the time the next session met. It was apparently unacceptable in some measure, however, and an attempt to provide for an 1854 supplement failed in the legislature.⁹

⁵ Cal. Stats. 1850, c.124.

⁶ STRUCK, HISTORY OF BENCH AND BAR OF CALIFORNIA 424 (1901). Cal. Stats. 1851, cs.1 (organization of courts), 5 (civil procedure), 29 (criminal procedure) and 124 (probate procedure).

⁷ Lt. Gov. John McDougal (who succeeded to the governorship upon the resignation of Peter Burnett on January 8, 1851) stated: "The present system is so cumbrous and unwieldy that only with difficulty can it be interpreted even by those having the law to administer; and in a less degree, certainly, by the great body of the people for whose benefit all laws should be enacted. In view, therefore, of the difficulties heretofore existing, in the formation of a proper judicial system, I would respectfully recommend the adoption of the suggestion made by the Attorney General, that a commission for the entire revision of our code of laws, be authorized." Incoming Governor John Bigler referred to the same problem. See SEN. JOUR. 16, 28 (1852).

⁸ SEN. JOUR. 91 (1852). See also ASSEM. JOUR. 42 (1853) for a similar reference.

⁹ Cal. Stats. 1853, c.79. This statute resulted from a resolution asking for a committee to study codification of the laws, ASSEM. JOUR. 165, 261 (1853), but while it calls for one Frederick A. Snyder to "compile, codify and publish the laws of California," it is clear that an editorial compilation was desired. The legislature appropriated \$10,000, in return for which Snyder was to deliver 1200 copies of a one-volume work. Some difficulties with the work arose from

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to twenty years of continuous effort by an expert staff as the indispensable requirement of a perfected system of codes. Charles Lindley was, as we have seen, far ahead of his time. The legislature was not interested in the long range problem and was satisfied, on very good authority, of the substantial perfection of the job which had been done.

The 1872 codes were published as separate documents by the State Printer and sometime thereafter a private publication was offered by H. S. Crocker & Co. which contained annotations by the code commissioners.⁴⁶ No other state publication of the 1872 codes was ever made, according to the study made by Parma and Armstrong in 1929.⁴⁷ Private publishers of the codes and statutes were not long in discovering the difficulties caused by the failure to repeal the legislation preceding the 1872 codes, by the ambiguities in the commissioners' publication of *Statutes Continued in Force*, and, as time passed, by the failure to integrate current legislation into the code system.⁴⁸ These were defects which cumulated in effect as the years passed.

C

COMMISSIONS FOR THE REVISION AND REFORM OF THE LAW (1880-1911)

There was, understandably, no interest in the legislature for several sessions in the problem of statutory revision. The adoption of the 1879 Constitution, however, presented some serious problems in the adaptation of our statute law to the new constitutional provisions, and these problems confronted the legislature which convened in January, 1880.⁴⁹ Outgoing Governor William Irwin, having anticipated this problem, appointed a commission of three members to revise the codes in order to conform them to

⁴⁶ The final report of the code commissioners to the legislature contains a careful explanation of the need for private publication of the annotated codes, including the fact that no profit was made thereby. *Supra* note 37.

⁴⁷ Parma and Armstrong, *The Codes and Statutes of California: A Bibliography*, 22 LAW LIB. J. 41, 42 (1929).

⁴⁸ A typical comment is the one in HITTLE'S CODES AND STATUTES OF CALIFORNIA (1876). In Volume 2, at 1403, he observed:

"The statutes in force consist of such as were expressly continued in force by the codes, such as related to subjects not embraced in the codes, and such as have been passed since the adoption of the codes. In some, and indeed in many cases, owing to the incomplete manner in which the work of repeal and supersession has been done, it is difficult to determine what is in force and what has been superseded; and in most of these cases no certainty will be arrived at, until further action by the legislature or final adjudication in respect to them by the supreme court It may be here added, what however has probably already struck the reader of the above remarks, that our system of statute law is, in many respects, very far yet from being reduced to anything like uniformity or proper order."

⁴⁹ The 1879 Constitution, which was adopted by the voters in May, 1879, provided for a session of the legislature commencing in January, 1880, and for one commencing in January, 1881. Thereafter the regular general sessions have been biennial, commencing in January of each odd-numbered year. See CAL. CONSTITUTION Art. IV, §§ 2, 3 (1879).



the new Constitution. He recommended that the 1880 legislature compensate the members of the commission for their time and effort and emphasized that no changes in policy had been made. His recommendations were concurred in by incoming Governor George C. Perkins, and the legislature appointed a six member joint committee to confer with the commissioners.⁵⁰ Finally, in 1881, a bill was passed making an appropriation to pay the commissioners for the work done "in preparing bills adapting the Codes of this State to the present Constitution."⁵¹ Commencing in 1881 the "amendments to the codes" were combined in the same volume with the statutes passed at each session, and that practice has continued to the present time. Since the volume of statutes not directed to the codes far exceeded the volume of amendments to the codes from the beginning, it had become clear that the publication of separate volumes served no useful purpose.

At every biennial session of the legislature from 1883 to 1893 measures were presented which reflected the need for a permanent code revision agency of some kind, but these attempts were universally unsuccessful. These measures proposed permanent commissions, temporary commissions, commissions of single members and advisory groups. Commencing in 1893 the interest in statutory revision increased markedly, which is understandable in view of the lapse of twenty years since the work of the 1870-74 Code Commission. The 1893 legislature directed the State Printer to compile a complete index to all the laws of California from 1850 to 1893.⁵² In addition to the usual bills to create a commission to revise the laws of the state, two unsuccessful bills were offered to create a committee on proposed legislation to advise the legislature, with power to hold hearings on proposed bills in advance of the meeting of the legislature. The State Printer's index, prepared in response to the legislature's request, is an exceedingly valuable and comprehensive document. It was published in 1894 and it indexes all legislation passed by the California Legislature from 1849 to 1893. In addition, the book contains tables which constitute a kind of "statutory record" listing specific action of the legislature affecting the measures indexed.⁵³ The 1894 *Index to the Laws of California* also contains a list of

⁵⁰ 5 APPENDIX TO JOURNALS OF SENATE AND ASSEMBLY (1880). The commission consisted of Messrs. I. S. Belcher, Thomas P. Stoney and A. C. Freeman. Belcher was a Supreme Court Justice in 1872 and a Supreme Court Commissioner from 1885 to 1898 [CALIFORNIA BLUE BOOK 682, 685 (1909)]. A. C. Freeman was also a code commissioner from 1899 to 1903 and a member of the 1879 constitutional convention. He was the author, among other works, of FREEMAN ON JUDGMENTS.

The legislature's appointment of a joint committee was provided by Cal. Stats. 1880, Res. c.13, p.555. No reports of either the commission or the legislative committee have been found.

⁵¹ Cal. Stats. 1881, c.32.

⁵² Cal. Stats. 1893, c.136.

⁵³ The term "statutory record" came into California usage in 1933 when the Legislative Counsel prepared a chapter-by-chapter listing of all acts of the legislature for the 1929 Code Commission, showing each of the later statutes having a specific effect on the acts listed. See STATUTORY RECORD, LEGISLATIVE COUNSEL (1933); STATUTORY RECORD SUPPLEMENT, LEGISLATIVE COUNSEL (1948); and session law volumes thereafter.

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the pre-1872 statutes thought to have been impliedly repealed by the adoption of the codes. This list was assembled from the repealer bill prepared by the 1870-74 Code Commission, but as has been indicated, such lists have not been given authoritative status by the courts.⁵⁴

Possibly as a result of the conditions disclosed in the preparation of the 1894 index, a substantial body of opinion had developed by 1895 in support of a revision of our code system. Outgoing Governor H. H. Markham found time in his address to the 1895 session of the legislature to urge legislation permitting the Governor to appoint a three member commission for this purpose.⁵⁵ The Assembly Judiciary Committee authored the bill which became Chapter 222 of the Statutes of 1895, creating a three member commission to revise all the statutes of the state. This act provided for a non-partisan permanent commission whose members were appointed by the Governor for two-year terms commencing on April 1, 1895. The members were required to be lawyers who had been admitted to practice before the Supreme Court of California for more than five years, and they were to be paid at the rate of \$4,000 per year. The commission was directed to revise the four 1872 codes and all statutes passed by the legislature; and it was given broad power to recommend any changes in the statutes which were thought desirable. Finally, the commissioners were directed, when requested by the legislature or any committee thereof, to attend at sessions of the legislature and act as "legislative counsel or adviser, in drafting or passing upon the form of any bill, or proposed bill, pending or to be introduced before the legislature."

The report of this first "commission on revision and reform" was in print by December 5, 1896, about a month in advance of the 1897 session of the legislature. The report, which was the work of two of the members, comprises some 304 pages and recommends changes in each of the 1872 codes. The commissioners indicated that their aim was to incorporate the "statutes in force" into the codes, but that their work was far from complete.⁵⁶ An examination of the statutes enacted at the 1897 session indicates that only a few of the commission's proposals became law, although the Assembly created a standing committee of five members to take charge of

⁵⁴ *Supra* note 39.

⁵⁵ Governor Markham referred to the fact that there had been no revision of consequence since 1873, and said, "it would seem essential that the many laws passed and amendments made to the codes themselves since that date should be codified into a harmonious whole." See 1 APPENDIX TO JOURNALS OF SENATE AND ASSEMBLY (1895).

⁵⁶ REPORT OF THE COMMISSIONERS FOR THE REVISION AND REFORM OF THE LAW (1896). See APPENDIX TO JOURNALS OF SENATE AND ASSEMBLY (1897). The commissioners were Frank T. Bakwin, Ryland B. Wallace and J. C. Daly.

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the bills resulting from the commission's work.⁵⁷ Two bills were introduced in 1897 for the purpose of repealing the act creating the commission, and one bill would have replaced the commission with a single commissioner. None of these proposals was acted upon favorably, and the legislature appropriated funds to pay the expenses of the commission over and above the salaries provided in the act creating it.⁵⁸

Three new commissioners were appointed by Governor Budd following the 1897 session, all of whom were members of the legislature at that session. He appointed two Democrats, A. Caminetti and T. W. H. Shanahan, and one Republican, Robert N. Bulla.⁵⁹ The report of this commission, the second Budd "commission on revision and reform," was printed and bears the date of November 30, 1898. The report is in two volumes, one being a complete revision of the Civil Code and the other constituting a proposed addition to the Political Code dealing with the subject of municipal corporations.⁶⁰ A new Republican governor, Gage, was inaugurated in January, 1899, and a completely new commission was appointed in July, 1899. While the 1899 legislature did not accept the work of the 1897-99 commissioners, it did make adequate provision for the commission for the two fiscal years commencing on July 1, 1899.⁶¹

The third "commission on revision and reform" retained a stable membership through the 1903 session of the legislature and throughout Governor Gage's incumbency, and many of its recommendations ultimately found their way into our statute law. The first report of this commission was in three parts, which appeared on August 1, September 1 and October 1, 1900. Substantial amendments were proposed to the Code of Civil Procedure, the Civil Code and the Penal Code. The commissioners stated their

⁵⁷ The provision for an Assembly Committee on Revision of Codes and Statutes was added to the standing rules. See *ASSEM. JOUR.* 23 (1897).

⁵⁸ *Cal. Stats.* 1897, c.209, appropriated \$1,221.89 for the commission's expenses.

⁵⁹ Caminetti served in both the Assembly and the Senate over a period from 1887 to 1913; Shanahan served in the Assembly from 1887 to 1897; and Bulla served in both houses during the period from 1893 to 1899. At that time Section 19 of Article IV of the California Constitution only prohibited a legislator from accepting a state civil office of profit which was created (or the emoluments of which were increased) during the term for which the legislator was elected.

⁶⁰ See *APPENDIX TO JOURNALS OF SENATE AND ASSEMBLY* Nos. 15, 16 (1899). This report covered 742 printed pages and was very ambitious in its coverage.

⁶¹ Few, if any, of the commission's recommendations were enacted although Assemblyman Caminetti's bill designed to require the judiciary committees to incorporate all "general law" bills into the code system was passed. See *Cal. Stats.* 1899, c.179, adding §§ 248, 249 and 250 of the *CAL. POL. CODE*. Senate Bill 622, which would have paid the commission's expenses for 1897-1899, was not signed by Governor Gage although it passed both houses.

The general appropriation bill provided the commission with upwards of \$37,000 for the two years which commenced on July 1, 1899. See *Cal. Stats.* 1899, c.95. The new commissioners were A. C. Freeman (*supra* note 50), George J. Denis and W. C. Van Fleet (former Supreme Court Justice).

purposes as follows: (1) to eliminate code sections which overlapped but apparently conflicted with constitutional provisions; (2) to eliminate duplicating or inconsistent sections as between the codes; (3) to incorporate independent statutes into the four codes; and (4) to make non-controversial, but needed, changes in substance. More than one-fourth of the Code of Civil Procedure was to be amended or repealed, and a substantial codification of independent statutes was found to be needed in the Penal Code.⁶²

At the 1901 session the Senate followed the Assembly's lead and created a Standing Committee on Code Revision. The Assembly Committee on Revision and Reform of the Laws, however, introduced the three bills needed to effectuate the recommendations of the commission which became, respectively, Chapters 102, 157 and 158 of the Statutes of 1901. Each bill was drafted as an act to revise the code involved, by amending, repealing and adding sections. This attempt to combine the commission's recommendations into three bills proved fatal for, in *Lewis v. Dunne*,⁶³ the California Supreme Court held that the commission's bill revising the Code of Civil Procedure was void upon two constitutional grounds: first, that it attempted to revise the code without re-enacting and publishing it at length; and second, that it did not deal with a single subject, expressed in its title.⁶⁴

The second report of the Gage commission on revision and reform of the law appeared on November 1, 1902, in preparation for the 1903 session of the legislature. It consisted of two parts and contained the commission's revision of the Political Code and an index of the statutes from 1895 to 1901, as requested by the 1901 legislature. The commissioners renewed their 1901 recommendations and prepared separate, single-subject bills to enact their proposals with respect to all four codes. They concluded that the work contemplated by the 1895 act creating the commission was finished, and recommended the repeal of that act. Their report included forty-six pages of fine print, listing the "statutes remaining in force" outside the codes, although the commissioners characterized this list as "exceedingly brief."⁶⁵ Bills to carry out both the 1901 and the 1903 recommendations of the commission were introduced by the Senate and Assembly committees, but the practical problem of considering the 364 bills which

⁶² REPORT OF COMMISSIONERS FOR THE REVISION AND REFORM OF THE LAW, 3 vols., 470 pp. (1900); APPENDIX TO JOURNALS OF SENATE AND ASSEMBLY (1901).

⁶³ 134 Cal. 291, 56 Pac. 478 (1901).

⁶⁴ CAL. CONST. Art. IV, § 24, imposes these requirements. The commissioners appeared in the *Lewis* case as *amici curiae*, but the court was not impressed either with the authorities presented or with a recital of the practical difficulties which the legislature would face if the commission's recommendation had to be presented in the form of many separate bills. This decision, of course, had the effect of invalidating the 1901 revisions of the Civil Code and Penal Code, as well as the revision of the Code of Civil Procedure.

⁶⁵ REPORT OF COMMISSIONERS FOR THE REVISION AND REFORM OF THE LAW, 2 vols., 599 pp. (1902); APPENDIX TO JOURNALS OF SENATE AND ASSEMBLY (1903).

were needed, in a session which lasted from January 5 to March 14, proved insuperable. On January 22, 1903, the Assembly Committee on Revision and Reform of the Laws filed a report in which it estimated that about 273 hours of legislative time would be required for the consideration of these bills in the Assembly. A resolution was adopted, placing the commission's bills on a special "Code Revision File" so that the house could take them up on motion at any time.⁶⁶ On March 6 and 7, 1903, an attempt was made to take up the special second reading file of commission bills then pending, but the motions were defeated.⁶⁷ The revision program was thus stalled for the time being.⁶⁸

The 1903 legislature, which had been advised by the revision commissioners that the act under which they worked could now be repealed, did not agree that the need for such an agency was past. Chapter 362 of the Statutes of 1903 revised the 1895 act under which the various revision commissions had operated and set the pattern for the next several years by providing for a commission consisting of a single commissioner. This change was probably dictated by considerations of economy and a biennial appropriation of \$10,850 was made, in place of the \$37,000 appropriation required in 1899 and the \$35,000 appropriation required in 1901.⁶⁹ The commissioner was directed to continue the work of revision along the lines previously charted, including the codification of statutes not previously incorporated into the code system. The commissioner was given a two-year term, commencing on May 1, 1903, and the act was to terminate on May 1, 1905.⁷⁰

The new commissioner, appointed by incoming Governor George C. Pardee, was John F. Davis. He had served as judge of the Superior Court of Amador County and had been a member of the state Senate during the 1899 and 1901 sessions. His report to the 1905 legislature, which was printed in November, 1904, consisted of an index to the statutes of California from 1895 to 1904, a table of the code sections affected by legisla-

⁶⁶ *ASSM. JOUR.* 201, 1271 (1903).

⁶⁷ These motions were made at a time when the resolution for adjournment *sine die* was pending. See *ASSM. JOUR.* 1340, 1374 (1903).

⁶⁸ A different kind of attack was made on the problem, however, by Assembly Constitutional Amendment No. 26, which became Cal. Stats. 1903, Res. c.39, p.747. This amendment proposed to add a new section to the California Constitution which would exempt code revision bills from the requirements of Section 24 of Article IV. This attempt was defeated at the polls in 1904 by a vote of 59,050 (for) to 59,933 (against).

⁶⁹ The appropriations were made in the respective general appropriation acts: Cal. Stats. 1903, c.380; Cal. Stats. 1901, c.163; Cal. Stats. 1899, c.95.

⁷⁰ The 1903 revision also required the commissioner to attend sessions of the legislature and to act as "legislative counsel or advisor." He was instructed to examine all supreme court decisions affecting the statutes and to give advice to the legislature and its committees, when requested, as to constitutionality and legal effect. Cal. Stats. 1903, c.362, § 5. The requirement was added that an index be compiled and that a new county government act be prepared.

tion during that period and a list of the statutes remaining in force.⁷¹ Both houses of the legislature retained their standing committees on code revision and, confronted with the unavoidable necessity for considering the revision proposals item-by-item, the 1905 session did a creditable job of enacting the 1901 proposals into law, at least insofar as the Civil and Penal Code recommendations were concerned.⁷² This was accomplished by providing a special file for the code revision bills and by setting special evening sessions at which these revision bills could be considered. The code revision committees filed special reports in advance of the consideration of these special files in which a brief description was given of the various bills pending on the file.⁷³ The legislature appropriated money for the continued operation of the commission at the same level as it did in 1903, and extended its termination date from May 1, 1905 to May 1, 1907.⁷⁴ Governor Pardee's message to the 1905 legislature contains a few sentences which are reminiscent of the words of earlier Governors. He said:⁷⁵

It is now more than thirty years since the codes were adopted, the principal object at the time being to rescue the law from the uncertainty of many conflicting statutes and decisions. It was recognized that there were objections to the code system, and in practical operation it does not realize all that was claimed for it by its advocates; but it has been a great improvement upon what existed before, and no one proposes its abandonment.

But it is well known that the codes have not been improved and perfected to the extent they should be, and at each session many general statutes are passed embodying matter which ought to be incorporated in the codes. The integrity of the codes should be respected, and the system kept as symmetrical as possible.

The commissioner's report to the 1907 session of the legislature was merely an extension of that printed in 1905. Entries were added to the index, to the table of code sections affected and to the table of statutes remaining

⁷¹ REPORT OF THE COMMISSIONERS FOR THE REVISION AND REFORM OF THE LAW, 239 pp. (1904). For the most part, this work simply involved adding to the prior reports the legislation passed in 1903. Possibly one of the reasons for not recommending specific legislation was the pendency of the ballot measure which, if adopted, would have permitted the kind of omnibus revision bill which the Supreme Court had invalidated in 1901.

⁷² A spot check indicates that most of the 1901 recommendations affecting the Civil Code and Penal Code were enacted. See tables contained in Cal. Stats. 1905, pp. 1109-1122, 1123-1140. The Senate committee introduced the bills affecting the Penal Code and the Assembly committee introduced those affecting the Civil Code. Of 613 chapters enacted at the 1905 session, 83 were code revision bills.

⁷³ For special file resolutions, see ASSEM. JOUR. 320 (1905), and SEN. JOUR. 672 (1905). For special committee reports, see ASSEM. JOUR. 482, 683, 1050, 1426 (1905); SEN. JOUR. 393, 561, 803 (1905). Commissioner Davis was granted the privileges of the floor during the consideration of these bills. See ASSEM. JOUR. 745 (1905).

⁷⁴ Cal. Stats. 1905, c.563 (general appropriation act) and c.543.

⁷⁵ ASSEM. JOUR. 11 (1905).

in force.⁷⁶ This session of the legislature followed the pattern set by its predecessor, except that the enactments affected primarily the Code of Civil Procedure and the Political Code. The direction contained in the 1903 amendments, which required the commissioner to prepare a codified county government act, resulted in the enactment of Chapter 282 of the Statutes of 1907. The legislature extended the termination date of the commission to October 1, 1911, and made the usual biennial appropriation.⁷⁷

A special provision was made by the 1907 legislature with respect to the index of state laws. Each of the various commissions for the revision and reform of the laws had published supplements to the 1894 index, but the legislature now authorized the preparation and publication of a recompiled index, covering the entire period from 1850 to 1907. This index was published in 1908 by the State Printer and constitutes a complete, cumulative record of the statutes enacted during the period involved.⁷⁸ The index bears a publication date of September 30, 1907, coinciding with the end of Mr. Davis' term of office. Governor Gillette thereupon appointed J. W. Wiley of Bakersfield as Commissioner for the Revision and Reform of the Law and renewed the appointment for a second two-year term in October, 1909, thus perpetuating the practice by which each Governor selected his own commissioner or commissioners for the period of his incumbency.⁷⁹

At the 1909 session of the legislature, a report was presented by Commissioner Wiley which concentrated on the incorporation into the codes of many independent statutes. Some 178 bills were introduced in the Assembly and 20 bills were introduced in the Senate to carry out the recommendations of the commissioner.⁸⁰ Again, no special consideration was given

⁷⁶ REPORT OF THE COMMISSIONER FOR THE REVISION AND REFORM OF THE LAW, 301 pp. (1906).

⁷⁷ The Assembly, which retained its code revision committee, did not set up any special file, but handled the code revision bills in the ordinary course of business. The Senate dropped its standing code revision committee, SEN. JOUR. 7, 80 (1907), and the bills were handled by a subcommittee of the Judiciary Committee.

See Cal. Stats. 1907, ch. 282 (county government act codification), 234 (extension of commission) and 475 (general appropriation act).

⁷⁸ Cal. Stats. 1907, c. 301. In addition to the index, the volume contains a list of the code sections affected by subsequent legislation and the notes of Commissioner Davis with respect to the code revisions made in 1905 and 1907, including the county government codification. It also repeats the tables of statutes presumably in force and statutes presumably repealed by the 1872 codes. See INDEX TO THE LAWS OF CALIFORNIA, 1057 pp. (1908), by John F. Davis, Commissioner for the Revision and Reform of the Law.

⁷⁹ The practice is illustrated by the following table:

<i>Governor</i>	<i>Revision Commission</i>
Budd (1895-1899)	First Revision Commission (1895-1897)
	Second Revision Commission (1897-1899)
Gage (1899-1903)	Third Revision Commission (1899-1903)
Pardee (1903-1907)	Davis (1903-1907)
Gillette (1907-1911)	Wiley (1907-1911)

⁸⁰ REPORT OF COMMISSIONER FOR REVISION AND REFORM OF THE LAW, 87 pp. (1909). The Assembly bills were introduced by the chairman of the standing committee on revision (see A.B. 321-372, 515-562, 849-906 and 1287-1509). The Senate bills were S.B. 1109-1129.



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these bills on the file of either house, with the result that all of the Assembly bills died in committee or on file and only six of the Senate bills were enacted into law. The legislature did appropriate money for the commissioner during the succeeding biennium, however, and increased the salary of his stenographer.⁸¹ No report to the 1911 session of the legislature was found, perhaps because the recommendations previously made had not yet been acted upon. Again the Assembly chairman of the revision committee introduced some 120 bills and there were some 100 bills introduced in the Senate.⁸² In this session none of the bills relating to revision of the laws passed, and only a few of the Assembly bills were favorably reported out of committee. An unsuccessful attempt was made to extend the life of the commission beyond the October 1, 1911 termination date, but the legislature appropriated only enough money to pay the salaries of the commissioner and his stenographer to that date.⁸³

With the conclusion of the 1911 session of the legislature there ended the drive for revision of the statutes which had commenced in 1893. Most of the recommendations which were made between 1895 and 1901 were finally enacted into law, and the state index of 1908 gives an accurate picture of these accomplishments since very few of the later recommendations were enacted. The statutes still in force, outside the four codes, were listed in 66 pages of fine print and very little reduction had taken place in the list of statutes presumably repealed by the code amendments. The situation was comparable to that which existed in 1875 when the legislature completed its work on the original codes, and the 1911 legislature was similarly unenthusiastic about the need for any continuing attention to the problem of statutory codification and revision. The stage was set for another period of quiescence, sure to be followed by another discovery of the need for revision.

D

LEGISLATIVE COUNSEL AND STATUTORY REVISION (1913-1927)

The 1913 session of the legislature, which was the second session of Hiram Johnson's first term as governor, lasted considerably longer than any of its predecessors and found itself somewhat overwhelmed by the magnitude of its task. One of the remedies proposed involved the creation of a "legislative reference and legislative counsel bureau" to assist the leg-

⁸¹ Cal. Stats. 1909, cs. 659 (stenographer's salary) and 725 (general appropriation bill).

⁸² See A.B. 438-462, 1208-1281, 1407-1437 and S.B. 310-335, 794-867.

⁸³ Cal. Stats. 1911, c. 705 (general appropriation bill).

(800) 666-1917

LEGISLATIVE INTENT SERVICE



X Re: Section 3244

THE
POLITICAL CODE

OF THE
STATE OF CALIFORNIA.

PUBLISHED UNDER AUTHORITY OF LAW, BY

GREED HAYMOND, }
JOHN C. BURCH, } COMMISSIONERS
JOHN H. MCKUNE, } TO
REVISE THE LAWS.

In Two Volumes.

VOL. I.

SACRAMENTO:
T. A. SPRINGER, STATE PRINTER.
1872.

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STATE LIBRARY
LAW LIBRARY

OFFICE REVISION COMMISSION, STATE OF CALIFORNIA, }
SACRAMENTO, August 31st, 1872. }

We, the undersigned Commissioners to Revise the Laws of the State of California, and authorized by an Act entitled "An Act to put into effect certain parts of the Codes and to provide for their publication," approved March twelfth, eighteen hundred and seventy-two, to "furnish the State Printer with full copies of * * * such Codes, all fully arranged for publication" (see Section 13, Subdivision 5, of said Act), and to "read all proofs, and see that the printed copies agree with the originals" (see Subdivision 8 of said section), do hereby certify that Volumes 1 and 2, entitled "THE POLITICAL CODE," is a full, true, and correct copy of the Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, and contain full, true, and correct copies of all Acts supplementary and amendatory thereof properly inserted, together with the Federal and State Constitutions, and the laws of the United States relating to naturalization and the authentication of writings, properly head-noted.

In testimony whereof we have hereunto set our hands, at office in the City of Sacramento, this thirty-first day of August, A. D. eighteen hundred and seventy-two.

CREED HAYMOND,
Chairman,
JOHN C. BURCH,
JOHN H. MCKUNE,
Commissioners.

Attest: CAMERON H. KING,
WILL J. BEATTY,
Secretaries.

3341. The Secretary of the fire department or fire company must keep a record of all certificates of exemption or active membership, the date thereof, and to whom issued, and when no seal is provided similar entries of certificates issued to obtain County Clerk's certificates. Every such certificate is primary evidence of the facts therein stated.

Secretary
to keep
record, and
certificate
to be proof.

3342. The Chief of every fire department must inquire into the cause of every fire occurring in the city or town of which he is the Chief, and keep a record thereof; he must aid in the enforcement of all fire ordinances duly enacted, examine buildings in process of erection, report violations of ordinances relating to prevention or extinguishment of fires, and when directed by the proper authorities institute prosecutions therefor, and perform such other duties as may be by proper authority imposed upon him. His compensation must be fixed and paid by the city or town authorities.

Duties of
Chief of
Fire
Depart-
ment.

3343. Every Chief of a fire department must attend all fires with his badge of office conspicuously displayed, must prevent injury to, take charge of, and preserve all property rescued from fires, and return the same to the owner thereof on the payment of the expenses incurred in saving and keeping the same, the amount thereof, when not agreed to, to be fixed by the Police or County Judge.

Chief to
attend
fires and
preserve
property.

3344. Every person negligently setting fire to his own woods, or negligently suffering any fire to extend beyond his own land, is liable in treble damages to the party injured.

Setting
woods on
fire.

3345. Whenever the woods are on fire any Justice of the Peace, Constable, or Road Overseer of the township or district where the fire exists, may order as many of the inhabitants liable to road poll tax,

Extin-
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THE
POLITICAL CODE

OF THE

STATE OF CALIFORNIA.

AS ENACTED IN 1872, AND AMENDED UP TO AND
INCLUDING 1899

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BY

JAMES H. DEERING,

Of the San Francisco Bar.

SAN FRANCISCO:
BANCROFT-WHITNEY CO.
Law Publishers and Law Booksellers.
1899.

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§§ 3323-3335 Fires and Firemen. 660

the sum of two hundred and fifty dollars, to be recovered on his bond.

Penal provisions—concerning auctions: See Penal Code, secs. 436, 535.

§ 3323. The penalties imposed by the provisions of this chapter, not otherwise appropriated, must be prosecuted for by the District Attorney of the proper county, the moneys recovered to be paid to the County Treasurer for the use of the General Fund of the county.

§ 3324. Any one aggrieved or damaged by any act of an auctioneer, in violation of or contrary to the provisions of this chapter, has an action against him and his bondsmen on his official bond therefor.

CHAPTER XIV.

FIRES AND FIREMEN.

- § 3335. Fire companies, how organized.
- § 3336. To elect officers and adopt by-laws.
- § 3337. Firemen, what exempt from.
- § 3338. Exempt certificate, by and to whom issued.
- § 3339. County Clerk may issue exempt certificates, when.
- § 3340. Seal of department, who to use and keep.
- § 3341. Record and certificate of exemption.
- § 3342. Duties of Chief of Fire Department.
- § 3343. Chief to attend fires and preserve property.
- § 3344. Setting woods on fire.
- § 3345. Extinguishing fire in woods.

§ 3335. Fire companies in incorporated cities and towns are formed and organized under special laws, or under authority conferred upon the city or town government. Those in incorporated towns and villages are organized by filing, with the recorder of the county in which they are located, a certificate in writing, signed by the foreman or presiding officer and Secretary, setting forth the date of the organization, name, officers, and roll of active and honorary members, which certificate and filing must be renewed every six months. There shall not be allowed to any such cities, towns, or villages, more than one company for each one thousand inhabitants; but one company shall be allowed in any city, town,

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→ § 3344. Every person negligently setting fire to his own woods, or negligently suffering any fire to extend beyond his own land, is liable in treble damages to the party injured.

Setting woods on fire—is misdemeanor: Penal Code, sec. 384; setting fire to forests on public lands, punishment for, Stats. 1872, p. 96.

§ 3345. Whenever the woods are on fire, any Justice of the Peace, Constable, or Road Overseer of the township or district where the fire exists, may order as many of the inhabitants liable to road poll tax, residing in the vicinity, as may be deemed necessary, to repair to the place of the fire and assist in extinguishing or stopping it.

CHAPTER XV.

LICENSES.

- Article I. General Provisions.
- II. Classification and Taxes.

ARTICLE I.

GENERAL PROVISIONS.

- § 3356. Licenses to be prepared and printed.
- § 3357. Auditor to number, sign and deliver.
- § 3358. Auditor to keep license accounts.
- § 3359. When license to be procured.
- § 3360. Suit against delinquent; damages.
- § 3361. Tax Collectors; duties.
- § 3362. Proof on trials.
- § 3363. Settlements, when made.
- § 3364. Fees for licenses.

§ 3356. Each County Auditor must prepare and have printed blank licenses of all classes mentioned in this chapter, for terms of three, six, and twelve months, and for such shorter terms as are herein authorized to be issued, with a blank receipt attached for the signature of the Tax Collector when sold.

Basis of section: Stats. 1858, p. 176; 1861, p. 446.

§ 3357. The County Auditor must affix his official seal to, number, and sign all licenses, and from time to time deliver them to the Tax Col-

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California Laws & Statutes, etc.

POLITICAL CODE

OF THE

STATE OF CALIFORNIA,

AS ENACTED IN 1872, AND AMENDED UP TO AND INCLUDING 1903.

EDITED BY
JAMES H. DEERING,
Of the San Francisco Bar.

STATUTORY HISTORY AND CITATION DIGEST BY
WALTER S. BRANN,
Of the San Francisco Bar.

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1903.

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ARTICLE III.

FRAUDS AND PENALTIES.

- § 3322. Penalty for not reporting, or reporting falsely.
- § 3323. Penalties, how recovered, and for what.
- § 3324. Action on bond.

§ 3322. Penalty for not reporting, or reporting falsely. For every false report made, and for every neglect to make the report required in the preceding article, the auctioneer thereby forfeits the sum of two hundred and fifty dollars, to be recovered on his bond. En. March 12, 1872.

Penal provisions concerning auctions: See Pen. Code, secs. 436, 535.

§ 3323. Penalties, how recovered, and for what. The penalties imposed by the provisions of this chapter, not otherwise appropriated, must be prosecuted for by the district attorney of the proper county, the moneys recovered to be paid to the county treasurer for the use of the general fund of the county. En. March 12, 1872.

§ 3324. Action on bond. Any one aggrieved or damaged by any act of an auctioneer, in violation of or contrary to the provisions of this chapter, has an action against him and his bondsmen on his official bond therefor. En. March 12, 1872.

CHAPTER XIV.

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- § 3339. County clerk may issue exempt certificates, when.
- § 3340. Seal of department, who to use and keep.
- § 3341. Record and certificate of exemption.
- § 3342. Duties of chief of fire department.
- § 3343. Chief to attend fires and preserve property.
- § 3344. Setting woods on fire.
- § 3345. Extinguishing fire in woods.

§ 3335. Fire companies, how organized. Fire companies in incorporated cities and towns are formed and organized under special laws, or under authority conferred upon the city or town government. Those in incorporated towns and villages are organized by filing, with the recorder of

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§ 3341. Record and certificate of exemption. The secretary of the fire department, or fire company, must keep a record of all certificates of exemption or active membership, the date thereof, and to whom issued; and when no seal is provided, similar entries of certificates issued to obtain county clerk's certificates. Every such certificate is prima facie evidence of the facts therein stated. En, March 12, 1872. Am'd. 1873-4, 43.

Prima facie evidence: See Code Civ. Proc., sec. 1833.

§ 3342. Duties of chief of fire department. The chief of every fire department must inquire into the cause of every fire occurring in the city or town of which he is the chief, and keep a record thereof; he must aid in the enforcement of all fire ordinances duly enacted, examine buildings in process of erection, report violations of ordinances relating to prevention or extinguishment of fires, and when directed by the proper authorities, institute prosecutions therefor, and perform such other duties as may be by proper authority imposed upon him. His compensation must be fixed and paid by the city or town authorities. En. March 12, 1872.

Cal.Rep.Cit. 100, 263.

Extinguishment of fires, disobeying orders for, or obstructing efforts for, etc., is misdemeanor: Pen. Code, sec. 385.

Compensation of officers in certain cities: See post, Appendix, title Fire Department.

§ 3343. Chief to attend fires and preserve property. Every chief of a fire department must attend all fires with his badge of office conspicuously displayed, must prevent injury to, take charge of, and preserve all property rescued from fires, and return the same to the owner thereof on the payment of the expenses incurred in saving and keeping the same, the amount thereof, when not agreed to, to be fixed by the police or county judge. En. March 12, 1872.

Cal.Rep.Cit. 100, 263.

Property rescued from fires, punishment for concealing: Pen. Code, sec. 500. Involuntary deposit of: Civ. Code, sec. 1815, subd. 2, sec. 1816.

§ 3344. Setting woods on fire. Every person negligently setting fire to his own woods, or negligently suffering any

fire to extend beyond his own land, is liable in treble damages to the party injured. En. March 12, 1872.

Cal.Rep.Cit. 90, 107; 90, 109; 98, 270.

Setting woods on fire is misdemeanor: Pen. Code, sec. 384. Setting fire to forests on public lands, punishment for: Stats. 1872, p. 96.

§ 3345. Extinguishing fire in woods. Whenever the woods are on fire, any justice of the peace, constable, or road overseer of the township or district where the fire exists, may order as many of the inhabitants liable to road poll tax, residing in the vicinity, as may be deemed necessary, to repair to the place of the fire and assist in extinguishing or stopping it. En. March 12, 1872.

CHAPTER XV.

LICENSES.

- Article I. General Provisions, §§ 3356-3366.
- II. Classification and Taxes, §§ 3376-3387.

ARTICLE I.

GENERAL PROVISIONS.

- 3356. Licenses to be prepared and printed.
- 3357. Auditor to number, sign and deliver.
- 3358. Auditor to keep license accounts.
- 3359. When license to be procured.
- 3360. Suit against delinquent; damages.
- 3361. Tax collectors; duties.
- 3362. Proof on trials.
- 3363. Settlements, when made.
- 3364. Fees for licenses.
- 3365. No section.
- 3366. License tax, upon whom may be imposed.

§ 3356. Licenses to be prepared and printed. Each county auditor must prepare and have printed blank licenses of all classes mentioned in this chapter, for terms of three, six, and twelve months, and for such shorter terms as are herein authorized to be issued, with a blank receipt attached for the signature of the tax collector when sold. En. March 12, 1872.

Cal.Rep.Cit. 74, 24.

§ 3357. Auditor to number, sign and deliver. The county auditor must affix his official seal to, number, and sign all licenses, and from time to time deliver them to

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ASSEMBLY BILL.

No. 688

(Substitute for Assembly Bill No. 118.)

INTRODUCED BY COMMITTEE ON REVISION AND REFORM

OF LAWS,

FEBRUARY 8, 1901.

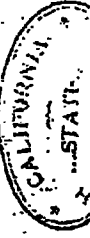
PLACED ON FILE.

AN ACT

To REVISE THE CIVIL CODE OF THE STATE OF CALIFORNIA, BY AMENDING AND CREATING CERTAIN SECTIONS, REPEALING OTHERS, AND ADDING CERTAIN

NEW SECTIONS.

1. WHEREAS, The legislature of the State of California did, by
2. an act approved on the twenty-eighth day of March, eighteen
3. hundred and ninety-five, create "The Commission for the
4. Revision and Reform of the Law," among other things, to
5. revise and examine the Civil Code of the State of California
6. and to report such revision and examination to the legislature;
7. and whereas, pursuant to said act the governor of the State of
8. California did appoint said commission; and whereas, said
9. commission did thereafter, in pursuance of said act, file with
10. the secretary of state a report recommending among other
11. things, a revision of the Civil Code; now therefore, in view of
12. said recommendation, and for the purpose of revising said
13. code,
14. the people of the State of California do hereby enact the following
15. sections:
- 16.
- 17.
18. code,



STATE

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

SECTION 1. Section four of said code is hereby amended to
 2 read as follows:
 3 Section 4. This rule of the common law, that statutes in
 4 derogation thereof are to be strictly construed, has no applica-
 5 tion to this code. The code establishes the law of this state
 6 respecting the subjects to which it relates, and its provisions
 7 and all proceedings under it are to be liberally construed, with
 8 a view to effect its objects and to promote justice.

SEC. 2. Section five of said code is hereby amended to read
 2 as follows:
 3 Section 5. The provisions of this code, so far as they are
 4 substantially the same as existing statutes, or the common law,
 5 must be regarded as continuations thereof, and not as new
 6 enactments.

SEC. 3. Section eight of said code is hereby repealed.

SEC. 4. Section nine of said code is hereby amended to read
 2 as follows:

3 Section 9. All other days than those mentioned in the last
 4 section are to be deemed business days for all purposes.

SEC. 5. Section fourteen of said code is hereby amended to
 2 read as follows:

3 Section 14. Words used in this code in the present tense
 4 include the future as well as the present; words used in the
 5 masculine gender include the feminine and neuter; the singular
 6 number includes the plural, and the plural the singular; the
 7 word person includes a corporation as well as a natural person;
 8 county includes city and county; writing includes printing
 9 and typewriting; oath includes affirmation or declaration; and
 10 every mode of oral statement, under oath or affirmation, is
 11 embraced by the term "testify," and every written one in the
 12 term "depose"; signature or subscription includes mark, when
 13 the person can be written, his name being written near it, by a
 14 person who writes his own name as a witness. The following

13 words here in this code the signification attached to them in
 14 this section, unless otherwise apparent from the context:

- 15 1. The word "property" includes property real and per-
 16 sonal;
- 17 2. The words "real property" are coextensive with lands,
 18 tenements, and hereditaments;
- 19 3. The words "personal property" include money, goods,
 20 chattels, things in action, and evidences of debt;
- 21 4. The word "month" means a calendar month, unless
 22 otherwise expressed;
- 23 5. The word "will" includes codicil;
- 24 6. The word "section" whenever hereinafter employed refers
 25 to a section of this code, unless some other code or statute is
 26 expressly mentioned.

SEC. 6. Section twenty of said code is hereby amended to
 2 read as follows:

3 Section 20. No statute, law, or rule is continued in force
 4 because it is consistent with the provisions of this code on the
 5 same subject; but in all cases provided for by this code, all
 6 statutes, laws, and rules heretofore in force in this state, whether
 7 consistent or not with the provisions of this code, unless
 8 expressly continued in force by it, are repealed or abrogated.
 9 This repeal or abrogation does not revive any former law here-
 10 tofore repealed, nor does it affect any right already existing or
 11 accrued, or any action or proceeding already taken, except as
 12 in this code provided, nor does it affect any private statute not
 13 expressly repealed.

SEC. 7. Section twenty-six of said code is hereby amended
 2 to read as follows:

3 Section 26. The periods specified in the preceding section
 4 must be calculated from the first minute of the day on which
 5 persons are born to the same minute of the corresponding day
 6 completing the period of minority. Thus, if a male is born at
 7 any time during the first day of January, nineteen hundred,
 8 he attains his majority at the first minute of the first day of
 9 January, nineteen hundred and twenty-one.

15 4. An instrument which does not specify a place for its pay-
16 ment must be presented at the place of residence, or business,
17 of the principal debtor, or wherever he may be found, at the
18 option of the presenter.

19 5. The instrument must be presented upon the day of its
20 maturity, or, if it is payable on demand, it may be presented
21 upon any day. It must be presented within reasonable hours;
22 and if it is payable at a banking house, within the usual
23 banking hours of the vicinity, but, by the consent of the per-
24 son to whom it should be presented, it may be presented at
25 any hour of the day.

26 6. If the principal debtor has no place of business, or if his
27 place of business, or residence, cannot, with reasonable diligence,
28 be ascertained, presentment for payment is excused.

29 Sec. 352. Section thirty-one hundred and fifty-six of said
30 code is hereby amended to read as follows:

31 Section 3156. Presentment and notice are excused as to
32 any party to a negotiable instrument who informs the holder
33 that it will be dishonored.

34 Sec. 353. Section thirty-one hundred and seventy-six of
35 said code is hereby amended to read as follows:

36 Section 3176. A bill of exchange is payable:

- 37 1. At the place where, by its terms, it is made payable;
- 38 2. If it specifies no place of payment, then at the place to
39 which it is addressed.
- 40 3. If it is not addressed to any place, then at the place of
41 residence or business of the drawee, or wherever he may be
42 found. If the drawee has no place of business, or if his place
43 of business or residence cannot, with reasonable diligence, be
44 ascertained, presentment for payment is excused, and the bill
45 may be protested for nonpayment.

46 Sec. 354. Section thirty-one hundred and ninety-seven of
47 said code is hereby amended to read as follows:

48 Section 3197. An unconditional promise, in writing, to
49 accept a bill of exchange, is a sufficient acceptance thereof, in
50 favor of every person who upon the faith thereof has taken the
51 bill for value.

52 Sec. 355. Section thirty-two hundred and thirty-five of said
53 code is hereby amended to read as follows:

54 Section 3235. Damages are allowed under the last section
55 upon bills drawn upon any person:

56 1. If drawn upon a person in this state, two dollars upon
57 each one hundred dollars of the principal sum specified in the
58 bill;

59 2. If drawn upon a person out of this state, five dollars
60 upon each one hundred dollars of the principal sum specified
61 in the bill;

62 3. If drawn upon a person in any place in a foreign country,
63 fifteen dollars upon each one hundred dollars of the principal
64 sum specified in the bill.

65 Sec. 356. Section thirty-two hundred and forty-five of said
66 code is hereby amended to read as follows:

67 Section 3245. An instrument in the form of a bill of
68 exchange, but appearing upon its face to be drawn upon and
69 accepted by the drawer himself, is to be deemed a promissory
70 note.

71 Sec. 357. Section thirty-two hundred and ninety-four of
72 said code is hereby amended to read as follows:

73 Section 3294. In an action for the breach of an obligation
74 not arising from contract, where the defendant has been guilty
75 of oppression, fraud, or malice, express or implied, the plaintiff,
76 in addition to the actual damages, may recover damages for
77 the sake of example and by way of punishing the defendant.

78 Sec. 358. A new section is hereby added to said code to be
79 numbered thirty-three hundred and forty-six a, to read as
80 follows:

81 Section 3346a. Every person negligently setting fire to his
82 own woods, or negligently suffering any fire to extend beyond
83 his own land, is liable in treble damages to the party injured.

84 Sec. 359. Section thirty-three hundred and sixty-six of
85 said code is hereby amended to read as follows:

86 Section 3386. Specific or preventive relief may be given as
87 provided by the laws of this state.

ARTICLE III.

EFFECT OF LIENS.

- 3 Sec. 2888. Lien, or contract for lien, transfers no title.
- 4 Sec. 2889. Certain contracts void.
- 5 Sec. 2890. Creation of lien does not imply personal obligation.
- 6 Sec. 2891. Extent of lien.
- 7 Sec. 2892. Holder of lien not entitled to compensation.
- 8 Sec. 2898. Liens, remedy for enforcement of.
- 9 38. The chapter heading preceding section thirty hundred
- 10 and forty-six of said code to read as follows:

CHAPTER VI.

OTHER LIENS.

- 5 Sec. 3046. Lien of seller of real property.
- 6 Sec. 3047. When transfer of contract waives lien.
- 7 Sec. 3048. Extent of seller's lien.
- 8 Sec. 3049. Lien of seller of personal property.
- 9 Sec. 3050. Purchaser's lien on real property.
- 10 Sec. 3051. Lien for service.
- 11 Sec. 3052. Liens on personal property.
- 12 Sec. 3053. Lien of factor.
- 13 Sec. 3054. Banker's lien.
- 14 Sec. 3055. Shipmaster's lien.
- 15 Sec. 3056. Seaman's lien.
- 16 Sec. 3057. Officers' lien.
- 17 Sec. 3058. Judgment lien.
- 18 Sec. 3061. Lien of persons working on threshing machines and their appliances.
- 19 Sec. 3062. Lien in favor of owners of stallions, jacks, and bulls.
- 20 Sec. 3063. Filing of claim of lien given by preceding section.
- 21 Sec. 3064. Action to enforce lien.

- 25 Sec. 3065. Lien for labor on logs and timber, and remedy for its enforcement.

26 39. The article heading preceding section thirty-three hundred and forty-four of said code to read as follows:

ARTICLE III.

PENAL DAMAGES.

- 3 39. The article heading preceding section thirty-three hundred and forty-four of said code to read as follows:
- 4 39. The article heading preceding section thirty-three hundred and forty-four of said code to read as follows:
- 5 Sec. 3344. Failure to quit, after notice.
- 6 Sec. 3345. Tenant willfully holding over.
- 7 Sec. 3346. Injuries to trees, etc.
- 8 Sec. 3346a. Person negligently setting fire to his own woods.
- 9 39. The article heading preceding section thirty-three hundred and forty-four of said code to read as follows:
- 10 Sec. 3347. Injuries inflicted in a duel.
- 11 Sec. 3348. Same.
- 2 389. This act takes effect on the first moment of the first day of July, nineteen hundred and one.



Amended in Assembly February 25, 1901.

No. 688

ASSEMBLY BILL.

(Substitute for Assembly Bill No. 119.)

**INTRODUCED BY COMMITTEE ON REVISION AND REFORM
OF LAWS,**

FEBRUARY 8, 1901.

PLACED ON FILE.

AN ACT

TO REVISE THE CIVIL CODE OF THE STATE OF CALIFORNIA, BY AMENDING CERTAIN SECTIONS, REPEALING OTHERS, AND ADDING CERTAIN NEW SECTIONS.

WHEREAS, The legislature of the State of California did, by an act approved on the twenty-eighth day of March, eighteen hundred and ninety-five, create "The Commission for the Revision and Reform of the Law," among other things, to revise and examine the Civil Code of the State of California and to report such revision and examination to the legislature; and whereas, pursuant to said act the governor of the State of California did appoint said commission; and whereas, said commission did thereafter, in pursuance of said act, file with the secretary of state a report recommending, among other things, a revision of the Civil Code; now therefore, in view of said recommendation, and for the purpose of revising said

Civil Code section 3346a

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

2 Section 1. Section four of said code is hereby amended to
3 read as follows:
4 Section 4. The rule of the common law, that statutes in
5 derogation thereof are to be strictly construed, has no applica-
6 tion to this code. The code establishes the law of this state
7 respecting the subjects to which it relates, and its provisions
8 and all proceedings under it are to be liberally construed, with
9 a view to effect its objects and to promote justice.

2 Sec. 2. Section five of said code is hereby amended to read
3 as follows:
4 Section 5. The provisions of this code, so far as they are
5 substantially the same as existing statutes, or the common law,
6 must be regarded as continuations thereof, and not as new
7 enactments.

2 Sec. 3. Section eight of said code is hereby repealed.

2 Sec. 4. Section nine of said code is hereby amended to read
3 as follows:
4 Section 9. All other days than those mentioned in the last
5 section are to be deemed business days for all purposes.

2 Sec. 5. Section fourteen of said code is hereby amended to
3 read as follows:

2 Section 14. Words used in this code in the present tense
3 include the future as well as the present; words used in the
4 masculine gender include the feminine and neuter; the singular
5 number includes the plural, and the plural the singular; the
6 word person includes a corporation as well as a natural person;
7 county includes city and county; writing includes printing
8 and typewriting; oath includes affirmation or declaration; and
9 every mode of oral statement, under oath or affirmation, is
10 embraced by the term "testify," and every written one in the
11 term "depose"; signature or subscription includes mark, when
12 the person cannot write, his name being written near it, by a
13 person who writes his own name as a witness. The following

13 words have in this code the signification attached to them in
14 this section, unless otherwise apparent from the context:

- 15 1. The word "property" includes property real and per-
16 sonal;
- 17 2. The words "real property" are coextensive with lands,
18 tenements, and hereditaments;
- 19 3. The words "personal property" include money, goods,
20 chattels, things in action, and evidences of debt;
- 21 4. The word, "month" means a calendar month, unless
22 otherwise expressed;
- 23 5. The word "will" includes codicil;
- 24 6. The word "section" whenever hereinafter employed refers
25 to a section of this code, unless some other code or statute is
26 expressly mentioned.

2 Sec. 6. Section twenty of said code is hereby amended to
3 read as follows:

2 Section 20. No statute, law, or rule is continued in force
3 because it is consistent with the provisions of this code on the
4 same subject; but in all cases provided for by this code, all
5 statutes, laws, and rules heretofore in force in this state, whether
6 consistent or not with the provisions of this code, unless
7 expressly continued in force by it, are repealed or abrogated.
8 This repeal or abrogation does not revive any former law here-
9 tofore repealed, nor does it affect any right already existing or
10 accrued, or any action or proceeding already taken, except as
11 in this code provided, nor does it affect any private statute not
12 expressly repealed.

2 Sec. 7. Section twenty-six of said code is hereby amended
3 to read as follows:

2 Section 26. The periods specified in the preceding section
3 must be calculated from the first minute of the day on which
4 persons are born to the same minute of the corresponding day
5 completing the period of minority. Thus, if a male is born at
6 any time during the first day of January, nineteen hundred,
7 he attains his majority at the first minute of the first day of
8 January, nineteen hundred and twenty-one.

9 ascertained, presentment for payment is excused, and the bill
10 may be protested for nonpayment.

Sec. 354. Section thirty-one hundred and ninety-seven of
2 said code is hereby amended to read as follows:

3 Section 3197. An unconditional promise, in writing, to
4 accept a bill of exchange, is a sufficient acceptance thereof, in
5 favor of every person who upon the faith thereof has taken the
6 bill for value.

Sec. 355. Section thirty-two hundred and thirty-five of said
2 code is hereby amended to read as follows:

3 Section 3235. Damages are allowed under the last section
4 upon bills drawn upon any person:

5 1. If drawn upon a person in this state, two dollars upon
6 each one hundred dollars of the principal sum specified in the
7 bill;

8 2. If drawn upon a person out of this state, five dollars
9 upon each one hundred dollars of the principal sum specified
10 in the bill;

11 3. If drawn upon a person in any place in a foreign country,
12 fifteen dollars upon each one hundred dollars of the principal
13 sum specified in the bill.

Sec. 356. Section thirty-two hundred and forty-five of said
2 code is hereby amended to read as follows:

3 Section 3245. An instrument in the form of a bill of
4 exchange, but appearing upon its face to be drawn upon and
5 accepted by the drawer himself, is to be deemed a promissory
6 note.

Sec. 357. Section thirty-two hundred and ninety-four of
2 said code is hereby amended to read as follows:

3 Section 3294. In an action for the breach of an obligation
4 not arising from contract, where the defendant has been guilty
5 of oppression, fraud, or malice, express or implied, the plaintiff,
6 in addition to the actual damages, may recover damages for
7 the sake of example and by way of punishing the defendant.

Sec. 358. A new section is hereby added to said code to be
2 numbered thirty-three hundred and forty-six a, to read as
3 follows:

4 Section 3848a. Every person negligently setting fire to his
5 own woods, or negligently suffering any fire to extend beyond
6 his own land, is liable in treble damages to the party injured.

Sec. 359. Section thirty-three hundred and sixty-six of
2 said code is hereby amended to read as follows:

3 Section 3866. Specific or preventive relief may be given as
4 provided by the laws of this state.

Sec. 360. A new section is hereby added to said code to be
2 numbered thirty-three hundred and ninety-six, and to read as
3 follows:

4 Section 3996. Whenever, by the judgment of a court, it is
5 determined that any party to the action is entitled to a con-
6 veyance of property from another party to the action, the
7 court may, by its judgment, directly transfer the title to such
8 property to the party so entitled thereto, and direct the pos-
9 session thereof to be delivered to him; and, upon the recording
10 of a certified copy of such judgment in the office of the recorder
11 of the county in which the property is situated, the title to
12 such property vests in him as fully as if the same had been
13 conveyed to him by such other party, and he is entitled to a
14 writ of assistance from the court to place him in possession
15 thereof.

Sec. 361. Section thirty-four hundred and two of said code
2 is hereby amended to read as follows:

3 Section 3402. A contract may be first reformed and then
4 specifically enforced, or may be reformed and enforced in the
5 same action, if, at the time of such reformation, performance
6 is due.

Sec. 362. Section thirty-four hundred and six of said code
2 is hereby amended to read as follows:

3 Section 3406. The rescission of a contract may be adjudged,
4 on the application of a party aggrieved:

5 1. In any of the cases mentioned in section sixteen hundred
6 and eighty-nine;

7 2. Where the contract is unlawful, for causes not apparent
8 upon its face, and the parties were not equally in fault;

ARTICLE III.

PENAL DAMAGES.

- 3 Sec. 3344. Failure to quit, after notice.
- 4 Sec. 3345. Tenant wilfully holding over.
- 5 Sec. 3346. Injuries to trees, etc.
- 6 Sec. 3346a. Person negligently setting fire to his own
- 7 woods.
- 8 Sec. 3347. Injuries inflicted in a duel.
- 9 Sec. 3348. Same.

2 Sec. 369. This act takes effect on the first moment of the
3 first day of July, nineteen hundred and one; [provided, that
4 with relation to the laws passed at the present session (the
5 thirty-fourth) of the legislature, if the provisions of such laws
6 contravene or are inconsistent with the provisions of this act,
7 the provisions of such laws must prevail; and provided further,
8 that with relation to the laws passed at the present session
9 (the thirty-fourth) of the legislature, this act must be con-
10 sidered as though it had been passed on the first day of the
11 present session (the thirty-fourth) of the legislature.]

Amended in Senate March 1, 1901.
Amended in Assembly February 26, 1901.

No. 683

ASSEMBLY BILL.

(Substitute for Assembly Bill No. 119.)

**INTRODUCED BY COMMITTEE ON REVISION AND REFORM
OF LAWS,**

FEBRUARY 8, 1901.

PLACED ON FILE.

AN ACT

TO REVISE THE CIVIL CODE OF THE STATE OF CALIFORNIA, BY AMENDING CERTAIN SECTIONS, REPEALING OTHERS, AND ADDING CERTAIN NEW SECTIONS.

WHEREAS, The legislature of the State of California did, by an act approved on the twenty-eighth day of March, eighteen hundred and ninety-five, create "The Commission for the Revision and Reform of the Law," among other things, to revise and examine the Civil Code of the State of California and to report such revision and examination to the legislature; and whereas, pursuant to said act the governor of the State of California did appoint said commission; and whereas, said commission did thereafter, in pursuance of said act, file with the secretary of state a report recommending, among other things, a revision of the Civil Code; now therefore, in view of said recommendation, and for the purpose of revising said code,

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

SECTION 1. Section four of said code is hereby amended to

8 Section 4. The rule of the common law, that statutes in
 4 derogation thereof are to be strictly construed, has no applica-
 5 tion to this code. The code establishes the law of this state
 6 respecting the subjects to which it relates, and its provisions,
 7 and all proceedings under it are to be liberally construed, with
 8 a view to effect its objects and to promote justice.

2 Sec. 2. Section five of said code is hereby amended to read
 3 as follows:
 4 Section 5. The provisions of this code, so far as they are
 5 substantially the same as existing statutes, or the common law,
 6 must be regarded as continuations thereof, and not as new
 7 enactments.

8 Sec. 3. Section eight of said code is hereby repealed.
 9 Sec. 4. Section nine of said code is hereby amended to read
 10 as follows:

11 Section 9. All other days than those mentioned in the last
 12 section are to be deemed business days for all purposes.

13 Sec. 5. Section fourteen of said code is hereby amended to
 14 read as follows:

15 Section 14. Words used in this code in the present tense
 16 include the future as well as the present; words used in the
 17 masculine gender include the feminine and neuter; the singular
 18 number includes the plural, and the plural the singular; the
 19 word person includes a corporation as well as a natural person;
 20 county includes city and county; writing includes printing
 21 and typewriting; oath includes affirmation or declaration; and
 22 every mode of oral statement, under oath or affirmation, is
 23 embraced by the term "testify," and every written one in the
 24 term "depose"; signature or subscription includes mark, when
 25 the person cannot write, his name being written near it, by a
 26 person who writes his own name as a witness. The following
 27 words have in this code the signification attached to them in
 28 this section, unless otherwise apparent from the context:

1. The word "property" includes property real and per-
 2 sonal;

17 2. The words "real property" are coextensive with lands,
 18 tenements, and hereditaments;
 19 3. The words "personal property" include money, goods,
 20 chattels, things in action, and evidences of debt;
 21 4. The word "month" means a calendar month, unless
 22 otherwise expressed;
 23 5. The word "will" includes codicil;
 24 6. The word "section" whenever hereinafter employed refers
 25 to a section of this code, unless some other code or statute is
 26 expressly mentioned.

27 Sec. 6. Section twenty of said code is hereby amended to
 28 read as follows:

29 Section 20. No statute, law, or rule is continued in force
 30 because it is consistent with the provisions of this code on the
 31 same subject; but in all cases provided for by this code, all
 32 statutes, laws, and rules heretofore in force in this state, whether
 33 consistent or not with the provisions of this code, unless
 34 expressly continued in force by it, are repealed or abrogated.
 35 This repeal or abrogation does not revive any former law here-
 36 tofore repealed, nor does it affect any right already existing or
 37 accrued, or any action or proceeding already taken, except as
 38 in this code provided, nor does it affect any private statute not
 39 expressly repealed.

40 Sec. 7. Section twenty-six of said code is hereby amended
 41 to read as follows:

42 Section 26. The periods specified in the preceding section
 43 must be calculated from the first minute of the day on which
 44 persons are born to the same minute of the corresponding day
 45 completing the period of minority. Thus, if a male is born at
 46 any time during the first day of January, nineteen hundred,
 47 he attains his majority at the first minute of the first day of
 48 January, nineteen hundred and twenty-one.

49 Sec. 8. Section thirty-four of said code is hereby amended
 50 to read as follows:

51 Section 84. A minor may make any other contract than as
 52 above specified, in the same manner as an adult, subject only
 53 to his power of disaffirmance under the provisions of this

Sec. 358. A new section is hereby added to said code to be numbered thirty-three hundred and forty-six a, to read as follows:

Section 3346a. Every person negligently setting fire to his own woods, or negligently suffering any fire to extend beyond his own land, is liable in treble damages to the party injured.

Sec. 359. Section thirty-three hundred and sixty-six of said code is hereby amended to read as follows:

Section 3366. Specific or preventive relief may be given as provided by the laws of this state.

Sec. 360. A new section is hereby added to said code to be numbered thirty-three hundred and ninety-six, and to read as follows:

Section 3396. Whenever, by the judgment of a court, it is determined that any party to the action is entitled to a conveyance of property from another party to the action, the court may, by its judgment, directly transfer the title to such property to the party so entitled thereto, and direct the possession thereof to be delivered to him; and, upon the recording of a certified copy of such judgment in the office of the recorder of the county in which the property is situated, the title to such property vests in him as fully as if the same had been conveyed to him by such other party, and he is entitled to a writ of assistance from the court to place him in possession thereof.

Sec. 361. Section thirty-four hundred and two of said code is hereby amended to read as follows:

Section 3402. A contract may be first reformed and then specifically enforced, or may be reformed and enforced in the same action, if, at the time of such reformation, performance is due.

Sec. 362. Section thirty-four hundred and six of said code is hereby amended to read as follows:

Section 3406. The rescission of a contract may be adjudged, on the application of a party aggrieved:

1. In any of the cases mentioned in section sixteen hundred and eighty-nine;

2. Where the contract is unlawful, for causes not apparent upon its face, and the parties were not equally in fault;

3. When the public interest will be prejudiced by permitting it to stand.

Sec. 363. Section thirty-four hundred and twelve of said code is hereby amended to read as follows:

Section 3412. A written instrument, in respect to which there is a reasonable apprehension that if left outstanding it may cause serious injury to a person against whom it is void or voidable, may, upon his application, be so adjudged, and ordered to be delivered up or canceled, and if it is of record in the office of the county recorder of any county of this state, the recorder may be required to write upon or across the record thereof that it has been so adjudged and ordered to be delivered up or canceled.

Sec. 364. Section thirty-four hundred and forty-two of said code is hereby amended to read as follows:

Section 3442. In all cases arising under section twelve hundred and twenty-seven, or under the provisions of this title, except as otherwise provided in section thirty-four hundred and forty, the question of fraudulent intent is one of fact and not of law; nor can any transfer or charge be adjudged fraudulent solely on the ground that it was not made for a valuable consideration, unless such transfer or charge was made by a person while insolvent or in contemplation of insolvency.

Sec. 365. Section thirty-four hundred and fifty-one of said code is hereby amended to read as follows:

Section 3451. The provisions of this title do not prevent a person residing in another state or county from making there, in good faith, and without intent to evade the laws of this state, a transfer of property situated within it; but such person cannot make a general assignment of property situated in this state for the satisfaction of all his creditors, except as in this title provided; nor do the provisions of this title affect the

Sec. 369. This act takes effect on the first moment of the first day of July, nineteen hundred and one; *provided*, that with relation to the laws passed at the present session (the thirty-fourth) of the legislature, if the provisions of such laws contravene or are inconsistent with the provisions of this act, the provisions of such laws must prevail; *and provided further*, that with relation to the laws passed at the present session (the thirty-fourth) of the legislature, this act must be construed as though it had been passed on the first day of the present session (the thirty-fourth) of the legislature.

11—AB688

CHAPTER VI.

OTHER LIENS.

- 3 Sec. 3046. Lien of seller of real property.
- 4 Sec. 3047. When transfer of contract waives lien.
- 5 Sec. 3048. Extent of seller's lien.
- 6 Sec. 3049. Lien of seller of personal property.
- 7 Sec. 3050. Purchaser's lien on real property.
- 8 Sec. 3051. Lien for service.
- 9 Sec. 3052. Liens on personal property.
- 10 Sec. 3053. Lien of factor.
- 11 Sec. 3054. Banker's lien.
- 12 Sec. 3055. Shipmaster's lien.
- 13 Sec. 3056. Seaman's lien.
- 14 Sec. 3057. Officers' lien.
- 15 Sec. 3058. Judgment lien.
- 16 Sec. 3061. Lien of persons working on threshing machines and their appliances.
- 17 Sec. 3062. Lien in favor of owners of stallions, jacks, and bulls.
- 18 Sec. 3063. Filing of claim of lien given by preceding section.
- 19 Sec. 3084. Action to enforce lien.
- 20 Sec. 3085. Lien for labor on logs and timber, and remedy for its enforcement.

39. The article heading preceding section thirty-three hundred and forty-four of said code to read as follows:

ARTICLE III.

PENAL DAMAGES.

- 3 Sec. 3344. Failure to quit, after notice.
- 4 Sec. 3345. Tenant willfully holding over.
- 5 Sec. 3346. Injuries to trees, etc.
- 6 Sec. 3346a. Person negligently setting fire to his own woods.
- 7 Sec. 3347. Injuries inflicted in a duel.
- 8 Sec. 3348. Same.

CHAPTER CLVII.

An act to revise the Civil Code of the State of California, by amending certain sections, repealing others, and adding certain new sections.

[Approved March 16, 1901.]

Preamble. WHEREAS, The legislature of the State of California did, by an act approved on the twenty-eighth day of March, eighteen hundred and ninety-five, create "The Commission for the Revision and Reform of the Law," among other things, to revise and examine the Civil Code of the State of California and to report such revision and examination to the legislature; and whereas, pursuant to said act the governor of the State of California did appoint said commission; and whereas, said commission did thereafter, in pursuance of said act, file with the secretary of state a report recommending, among other things, a revision of the Civil Code; now therefore, in view of said recommendation, and for the purpose of revising said code,

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

SECTION 1. Section four of said code is hereby amended to read as follows:

4. The rule of the common law, that statutes in derogation thereof are to be strictly construed, has no application to this code. The code establishes the law of this state respecting the subjects to which it relates, and its provisions and all proceedings under it are to be liberally construed, with a view to effect its objects and to promote justice.

Rule of law not applicable: code to be liberally construed.

SEC. 2. Section five of said code is hereby amended to read as follows:

5. The provisions of this code, so far as they are substantially the same as existing statutes, or the common law, must be regarded as continuations thereof, and not as new enactments.

Codes continuation of existing statutes.

SEC. 3. Section eight of said code is hereby repealed.

Sec. 8 repealed.

SEC. 4. Section nine of said code is hereby amended to read as follows:

9. All other days than those mentioned in the last section are to be deemed business days for all purposes.

Business days.

SEC. 5. Section fourteen of said code is hereby amended to read as follows:

14. Words used in this code in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word person includes a corporation as well as a natural person; county includes city and county; writing includes printing and typewriting; oath includes affirmation or declaration; and every mode of oral statement, under oath or affirmation, is

Certain terms defined.

found. If the drawee has no place of business, or if his place of business or residence cannot, with reasonable diligence, be ascertained, presentment for payment is excused, and the bill may be protested for nonpayment.

Sec. 354. Section thirty-one hundred and ninety-seven of said code is hereby amended to read as follows:

3197. An unconditional promise, in writing, to accept a bill of exchange, is a sufficient acceptance thereof, in favor of every person who upon the faith thereof has taken the bill for value. Promises to accept, equivalent to acceptance.

Sec. 355. Section thirty-two hundred and thirty-five of said code is hereby amended to read as follows:

3235. Damages are allowed under the last section upon bills drawn upon any person: Rate of damages.

1. If drawn upon a person in this state, two dollars upon each one hundred dollars of the principal sum specified in the bill;

2. If drawn upon a person out of this state, five dollars upon each one hundred dollars of the principal sum specified in the bill;

3. If drawn upon a person in any place in a foreign country, fifteen dollars upon each one hundred dollars of the principal sum specified in the bill.

Sec. 356. Section thirty-two hundred and forty-five of said code is hereby amended to read as follows:

3245. An instrument in the form of a bill of exchange, but appearing upon its face to be drawn upon and accepted by the drawer himself, is to be deemed a promissory note. Certain instruments, promissory notes.

Sec. 357. Section thirty-two hundred and ninety-four of said code is hereby amended to read as follows:

3294. In an action for the breach of an obligation not arising from contract, where the defendant has been guilty of oppression, fraud, or malice, express or implied, the plaintiff, in addition to the actual damages, may recover damages for the sake of example and by way of punishing the defendant. Exemplary damages, in what cases allowed.

Sec. 358. A new section is hereby added to said code, to be numbered thirty-three hundred and forty-six a, to read as follows:

3346a. Every person negligently setting fire to his own woods, or negligently suffering any fire to extend beyond his own land, is liable in treble damages to the party injured. Damages for negligence as to fires on woodland.

Sec. 359. Section thirty-three hundred and sixty-six of said code is hereby amended to read as follows:

3366. Specific or preventive relief may be given as provided by the laws of this state. Specific relief, when allowed.

Sec. 360. A new section is hereby added to said code, to be numbered thirty-three hundred and ninety-six, and to read as follows:

3396. Whenever, by the judgment of a court, it is determined that any party to the action is entitled to a conveyance of property from another party to the action, the court may, by its judgment, directly transfer the title to such property to the party so entitled thereto, and direct the possession thereof to Court may transfer title, in certain cases.



THE PROCEDURAL HISTORY OF THE
1901 CALIFORNIA CODE OF CIVIL PROCEDURE
(Prepared by Legislative Intent Service)

DOCUMENTS AVAILABLE UPON REQUEST

1. All versions of Senate Bill 138 (Devlin-1901);
2. Procedural history of Senate Bill 138 from the 1901 Senate Final History;
3. Excerpt regarding Senator Robert T. Devlin from the 1901 "Legislative Handbook";
4. Excerpt regarding Senate Bill 138 from the Journal of the Senate, February 13, 1901;
5. Excerpt regarding Senate Bill 138 from the Journal of the Assembly, February 19, 1901;
6. News clipping entitled "Code Revision - Civil Procedure Bill Passes a Second Reading" from The Sacramento Bee, February 19, 1901;
7. News clipping entitled "An Emasculated Code" from The San Francisco Call, Friday, November 9, 1900;
8. Excerpt from the Second Biennial Message of Governor R. W. Waterman, 1891;
9. Excerpt from the Second Biennial Message of Governor H. H. Markham, 1895;
10. Chapter CCXXII (222) of the Statutes of 1895;
11. Excerpt from the Report of the Commissioners for the Revision and Reform of the Law, December 5, 1896;
12. Lewis v. Dunne (1901) 134 Cal. 291;
13. Report of the Commissioners for the Revision and Reform of the Law, Recommendations respecting the Code of Civil Procedure, August 1, 1900.

Many provisions of the Code of Civil Procedure were amended in 1901 following the enactment of Senate Bill 138. (See Exhibit #1) Senate Bill 138 was authored by Senator Robert T. Devlin, an attorney from Sacramento and a member of the Senate Committee on Code Revision. (See Exhibit #3) Senate Bill 138 was heard before the Senate Committee on Code Revision and the Assembly Committee on Revision and Reform of the Laws. (See Exhibit #2) Thereafter, the measure was approved by former Governor Henry Gage and became law as Chapter 102 of the Statutes of 1901. (See Exhibit #2)

Senate Bill 138 embodied the recommendations and proposed amendments to the Code of Civil Procedure in the August 1900 Report of the Commissioners for the Revision and Reform of the Law. (See Exhibit #13) This legislation was designed specifically to revise the Code of Civil Procedure. (See Exhibit #13)

The need for a revision of the four California Codes adopted in 1872 is addressed in the 1891 Second Biennial Message of Governor R. W. Waterman. (See Exhibit #8) Continuing to address the need for revision was Governor H. H. Markham. (See Exhibit #9) In his last message to the Legislature in 1895, the Governor recommended to the establishment of a commission to revise the four

codes. (See Exhibit #9) According to Governor Markham, with the exception of the 1880 code amendments, there had not been a careful revision of the four codes since their adoption in 1872. Revision was also seen as necessary because the four codes were framed in 1872 prior to the adoption of the 1879 Constitution. (See Exhibit #9)

During the 1895 legislative session, the Assembly Judiciary Committee sponsored Assembly Bill 1013 enacted as Chapter 222 of the Statutes of that year. (See Exhibit #10) The purpose of this legislation was to establish a Commission to review and revise the laws of this State. (See Exhibit #11)

In 1896, pursuant to the requirements of Assembly Bill 1013 of 1895, the Commissioners for the Revision and Reform of the Law issued its first report to the Governor. (See Exhibit #11) In this report, the Commissioners' prepared amendments to various provisions of the four codes. Subsequently, these revisions were adopted by the Legislature in 1901. Unfortunately, this legislation was declared unconstitutional in the case of Lewis v. Dunne (1901) 134 Cal. 291 for violating the single subject rule of the California Constitution at the time. (See Exhibit #12) Consequently, between 1901 and 1907 several measures were enacted to carry into effect the work done in 1901.

1901 CCP PRO/HISTORY
SHELL4



LEGISLATIVE INTENT SERVICE, INC.

712 Main Street, Suite 200, Woodland, CA 95695
(800) 666-1917 • Fax (530) 668-5866 • www.legintent.com

DECLARATION OF DOROTHY H. THOMSON

I, Dorothy H. Thomson, declare:

I am an attorney licensed to practice in California, State Bar #099566, and a Director of the Legislative Intent Service, Inc., a company specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain all documents relevant to the enactment of Senate Bill 490 of 1931. Senate Bill 490 was approved by the Legislature and was enacted as Chapter 790 of the Statutes of 1931.


The following list identifies all documents obtained by the staff of Legislative Intent Service, Inc. on Senate Bill 490 of 1931. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. All documents gathered by Legislative Intent Service, Inc. and all copies forwarded with this Declaration are true and correct copies of the originals located by Legislative Intent Service, Inc. In compiling this collection, the staff of Legislative Intent Service, Inc. operated under directions to locate and obtain all available material on the bill.

SENATE BILL 490 OF 1931:

1. All versions of Senate Bill 490 (Williams-1931);
2. Procedural history of Senate Bill 490 from the 1931 Senate Final History;
3. Excerpt regarding Senate Bill 490 from the 1931 Legislative Digest, prepared by Legislative Counsel;
4. Excerpt regarding Senator Dan Williams from the 1931 "Legislative Handbook";
5. Excerpt regarding Senate Bill 490 from Forest and Fire Laws, published by the Department of Natural Resources, 1931-1933;
6. All versions of Senate Bill 807 (Williams-1931);
7. Procedural history of Senate Bill 807 from the 1931 Senate Final History;

8. Excerpt regarding Senate Bill 807 from the 1931 Legislative Digest, prepared by Legislative Counsel;
9. Report on a Forest Fire Prevention Meeting called by the California State Board of Forestry, February 4, 1930;
10. Articles excerpted from the San Francisco Chronicle:
 - a. "Code of Good Forest Manners Can Curb Annual Fire Menace," June 24, 1929;
 - b. "Forest Fire Prevention Keynote of Convention," June 25, 1929;
11. Excerpt regarding First Biennial Message of Governor C.C. Young from the Journal of the Assembly, January 7, 1929;
12. Excerpt regarding Second Biennial Message of Governor C.C. Young from the Journal of the Senate, January 5, 1931.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 5th day of September, 2008 at Woodland, California.



DOROTHY H. THOMSON

INTRODUCED BY SENATOR WILLIAMS.

January 22, 1931.

REFERRED TO COMMITTEE ON CONSERVATION.

An act defining the civil liability for failure to control fire.

The people of the State of California do enact as follows:

- 1 SECTION 1. Any person who:
2 (1) Personally or through another, and
3 (2) wilfully, negligently, or in violation of law, commits
4 any of the following acts:
5 (1) Sets fire to,
6 (2) allows fire to be set to,
7 (3) allows a fire kindled or attended by him to escape to, or
8 (4) unlawfully sets a fire which escaped to the property,
9 whether privately or publicly owned, of another, is liable to
10 the owner of such property for the damages thereto caused
11 by such fire.
12 Sec. 2. Expense of fighting such a fire shall be a charge
13 in favor of the party or government agency incurring such
14 expense and against any person made liable by this act for
15 damages caused thereby. Such charge shall constitute a debt
16 of the person charged and shall be collectible in the same
17 manner as in the case of an obligation under a contract express
18 or implied.

AMENDED IN SENATE MARCH 18, 1931.

SENATE BILL

No. 490

INTRODUCED BY SENATOR WILLIAMS,

January 22, 1931.

REFERRED TO COMMITTEE ON CONSERVATION.

An act defining the civil liability for failure to control fire.

The people of the State of California do enact as follows:

- 1 SECTION 1. Any person who:
2 (1) Personally or through another, and
3 (2) wilfully, negligently, or in violation of law, commits
4 any of the following acts:
5 (1) Sets fire to,
6 (2) allows fire to be set to,
7 (3) allows a fire kindled or attended by him to escape to, or
8 ~~(4) unlawfully sets a fire which escaped to the property,~~
9 ~~whether privately or publicly owned, of another, is liable to~~
10 ~~the owner of such property for the damages thereto caused~~
11 ~~by such fire.~~
12 (4) allows any fire burning upon his property to escape
13 to the property of another, whether privately or publicly
14 owned, without exercising due diligence to control such fire, is
15 liable to the owner of such property for the damages thereto
16 caused by such fire.
17 SEC. 2. Expense of fighting such a fire shall be a charge
18 in favor of the party or government agency incurring such
19 expense and against any person made liable by this act for
20 damages caused thereby. Such charge shall constitute a debt
21 of the person charged and shall be collectible in the same
22 manner as in the case of an obligation under a contract express
23 or implied.
24 SEC. 2. The expenses of fighting such fires shall be a charge
25 against any person made liable by this act for damages caused
26 thereby. Such charge shall constitute a debt of the person
27 charged and shall be collectible by the party, or by the federal,

1 state, county, or private agency incurring such expenses in the
2 same manner as in the case of an obligation under a contract,
3 expressed or implied.

4 **SEC. 3.** This act shall not apply to or affect any existing
5 rights, duties or causes of action, nor shall it apply to or affect
6 any rights, duties or causes of action accruing prior to the
7 date this act takes effect.

AMENDED IN ASSEMBLY APRIL 1, 1931.

AMENDED IN SENATE MARCH 18, 1931.

SENATE BILL

No. 490

INTRODUCED BY SENATOR WILLIAMS,

January 22, 1931.

REFERRED TO COMMITTEE ON CONSERVATION.

An act defining the civil liability for failure to control fire.

The people of the State of California do enact as follows:

- 1 SECTION 1. Any person who:
2 (1) Personally or through another, and
3 (2) Wilfully, negligently, or in violation of law, commits
4 any of the following acts:
5 (1) Sets fire to,
6 (2) Allows fire to be set to,
7 (3) Allows a fire kindled or attended by him to escape to ~~or~~
8 *the property, whether privately or public owned, of another,*
9 *is liable to the owner of such property for the damages thereto*
10 *caused by such fire.*
11 ~~(4) SEC. 2. Any person who allows any fire burning upon~~
12 ~~his property to escape to the property of another, whether~~
13 ~~privately or publicly owned to the property, whether privately~~
14 ~~or publicly owned, of another, without exercising due dili-~~
15 ~~gence to control such fire, is liable to the owner of such prop-~~
16 ~~erty for the damages thereto caused by such fire. A showing~~
17 ~~that the property from which the fire escaped was, at the time~~
18 ~~of such fire, protected by, or included in an area protected by,~~
19 ~~a contract for fire protection with the state division of forestry,~~
20 ~~or any agency approved by such division, shall constitute~~
21 ~~prima facie evidence of the due diligence required by this~~
22 ~~section.~~
23 SEC. 3. The expenses of fighting such fires shall be a
24 charge against any person made liable by this act for damages
25 caused thereby. Such charge shall constitute a debt of the
26 person charged and shall be collectible by the party, or by the
27 federal, state, county, or private agency incurring such

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1 expenses in the same manner as in the case of an obligation
2 under a contract, expressed or implied.

3 Sec. 3. This act shall not apply to or affect any existing
4 rights, duties or causes of action, nor shall it apply to or affect
5 any rights, duties or causes of action accruing prior to the
6 date this act takes effect.

AMENDED IN ASSEMBLY APRIL 7, 1931.

AMENDED IN ASSEMBLY APRIL 1, 1931.

AMENDED IN SENATE MARCH 18, 1931.

SENATE BILL

No. 490

INTRODUCED BY SENATOR WILLIAMS,

January 22, 1931.

REFERRED TO COMMITTEE ON CONSERVATION.

An act defining the civil liability for failure to control fire.

The people of the State of California do enact as follows:

- 1 SECTION 1. Any person who:
2 (1) Personally or through another, and
3 (2) Wilfully, negligently, or in violation of law, commits
4 any of the following acts:
5 (1) Sets fire to,
6 (2) Allows fire to be set to,
7 (3) Allows a fire kindled or attended by him to escape to
8 the property, whether privately or public owned, of another,
9 is liable to the owner of such property for the damages thereto
10 caused by such fire.
11 Sec. 2. Any person who allows any fire burning upon his
12 property to escape to the property, whether privately or pub-
13 licly owned, of another, without exercising due diligence to
14 control such fire, is liable to the owner of such property for
15 the damages thereto caused by such fire. A showing that the
16 property from which the fire escaped was, at the time of such
17 fire, protected by, or included in an area protected by, a con-
18 tract for fire protection with the state division of forestry, or
19 any agency approved by such division, shall constitute prima
20 facie evidence of the due diligence required by this section.
21 Sec. 3. The expenses of fighting such fires shall be a charge
22 against any person made liable by this act for damages caused
23 thereby. Such charge shall constitute a debt of the person
24 charged and shall be collectible by the party, or by the federal,
25 state, county, or private agency incurring such expenses in

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1 the same manner as in the case of an obligation under a con-
2 tract, expressed or implied.
3 Sec. 4. This act shall not apply to or affect any existing
4 rights, duties or causes of action, nor shall it apply to or affect
5 any rights, duties or causes of action accruing prior to the
6 date this act takes effect.

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AMENDED IN ASSEMBLY APRIL 28, 1931.

AMENDED IN ASSEMBLY APRIL 7, 1931.

AMENDED IN ASSEMBLY APRIL 1, 1931.

AMENDED IN SENATE MARCH 18, 1931.

SENATE BILL

No. 490

INTRODUCED BY SENATOR WILLIAMS,

January 22, 1931.

REFERRED TO COMMITTEE ON CONSERVATION.

An act defining the civil liability for failure to control fire.

The people of the State of California do enact as follows:

- 1 SECTION 1. Any person who:
2 (1) Personally or through another, and
3 (2) Wilfully, negligently, or in violation of law, commits
4 any of the following acts:
5 (1) Sets fire to,
6 (2) Allows fire to be set to,
7 (3) Allows a fire kindled or attended by him to escape to
8 the property, whether privately or public owned, of another,
9 is liable to the owner of such property for the damages thereto
10 caused by such fire.
11 SEC. 2. Any person who allows any fire burning upon his
12 property to escape to the property, whether privately or pub-
13 licly owned, of another, without exercising due diligence to
14 control such fire, is liable to the owner of such property for
15 the damages thereto caused by such fire. ~~At showing that the~~
16 ~~property from which the fire escaped was, at the time of such~~
17 ~~fire, protected by, or included in an area protected by, a con-~~
18 ~~tract for fire protection with the state division of forestry, or~~
19 ~~any agency approved by such division, shall constitute prima~~
20 ~~facie evidence of the due diligence required by this section.~~
21 SEC. 3. The expenses of fighting such fires shall be a charge
22 against any person made liable by this act for damages caused
23 thereby. Such charge shall constitute a debt of the person
24 charged and shall be collectible by the party, or by the federal,
25 state, county, or private agency incurring such expense in

1 the same manner as in the case of an obligation under a con-
2 tract, expressed or implied.
3 * *Sec. 4.* This act shall not apply to or affect any existing
4 rights, duties or causes of action, nor shall it apply to or affect
5 any rights, duties or causes of action accruing prior to the
6 date this act takes effect.
7 *SEC. 5.* Section 3811 of the Political Code is hereby
8 repealed.

0

AMENDED IN SENATE MAY 13, 1931.
AMENDED IN ASSEMBLY APRIL 28, 1931.
AMENDED IN ASSEMBLY APRIL 7, 1931.
AMENDED IN ASSEMBLY APRIL 1, 1931.
AMENDED IN SENATE MARCH 18, 1931.

SENATE BILL.

No. 490

INTRODUCED BY SENATOR WILLIAMS,

January 22, 1931.

REFERRED TO COMMITTEE ON CONSERVATION.

An act defining the civil liability for failure to control fire.

The people of the State of California do enact as follows:

- 1 SECTION 1. Any person who:
2 (1) Personally or through another, and
3 (2) Wilfully, negligently, or in violation of law, commits
4 any of the following acts:
5 (1) Sets fire to,
6 (2) Allows fire to be set to,
7 (3) Allows a fire kindled or attended by him to escape to
8 the property, whether privately or public owned, of another,
9 is liable to the owner of such property for the damages thereto
10 caused by such fire.
11 SEC. 2. Any person who allows any fire burning upon his
12 property to escape to the property, whether privately or pub-
13 licly owned, of another, without exercising due diligence to
14 control such fire, is liable to the owner of such property for
15 the damages thereto caused by such fire.
16 SEC. 3. The expenses of fighting such fires shall be a charge
17 against any person made liable by this act for damages caused
18 thereby. Such charge shall constitute a debt of the person
19 charged and shall be collectible by the party, or by the federal,
20 state, county, or private agency incurring such expense in

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1 the same manner as in the case of an obligation under a con-
2 tract, expressed or implied.

3 SEC. 4. This act shall not apply to or affect any existing
4 rights, duties or causes of action, nor shall it apply to or affect
5 any rights, duties or causes of action accruing prior to the
6 date this act takes effect.

7 SEC. 5. Section 3344 of the Political Code is hereby
8 repealed.

9 SEC. 6. Section 3316a of the Civil Code is hereby repealed.

CHAPTER 790.

An act defining the civil liability for failure to control fire.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Liability
for damage
by fire.

SECTION 1. Any person who:

(1) Personally or through another, and
(2) Wilfully, negligently, or in violation of law, commits
any of the following acts:

(1) Sets fire to,
(2) Allows fire to be set to,
(3) Allows a fire kindled or attended by him to escape to
the property, whether privately or public owned, of another,
is liable to the owner of such property for the damages thereto
caused by such fire.

Same.

SEC. 2. Any person who allows any fire burning upon his
property to escape to the property, whether privately or pub-
licly owned, of another, without exercising due diligence to
control such fire, is liable to the owner of such property for
the damages thereto caused by such fire.

Expenses of
fighting
fires.

SEC. 3. The expenses of fighting such fires shall be a charge
against any person made liable by this act for damages caused
thereby. Such charge shall constitute a debt of the person
charged and shall be collectible by the party, or by the federal,
state, county, or private agency incurring such expenses in
the same manner as in the case of an obligation under a con-
tract, expressed or implied.

Saving
clauses.

SEC. 4. This act shall not apply to or affect any existing
rights, duties or causes of action, nor shall it apply to or affect
any rights, duties or causes of action accruing prior to the
date this act takes effect.

Repeal.

SEC. 5. Section 3344 of the Political Code is hereby
repealed.

Repeal.

SEC. 6. Section 3346a of the Civil Code is hereby repealed.

CHAPTER 791.

Stats. 1915,
p. 1401,
amended.

*An act to amend the title and sections 3, 6, 8, 15, 16 and 18
of, and to add a new section to be numbered 20a to, an
act entitled "An act to protect the natural resources of
petroleum and gas from waste and destruction; relating
to the creating of a division in the department of natural
resources for the prevention of such waste and destruc-
tion; providing for the appointment of a state oil and gas
supervisor; prescribing his duties and powers; fixing his
compensation; providing for the appointment of deputies
and employees; providing for their duties and compensa-
tion; providing for the inspection of petroleum and gas*

CALIFORNIA LEGISLATURE
AT SACRAMENTO
FORTY-NINTH SESSION
1931

SENATE FINAL HISTORY
SYNOPSIS OF SENATE BILLS, CONSTITUTIONAL
AMENDMENTS, CONCURRENT AND
JOINT RESOLUTIONS

FORTY-NINTH SESSION

DURATION OF SESSION

First Half—January 5—January 23, inclusive.
Second Half—February 24—May 15, inclusive.
(Duration, 131 days)

LIEUT. GOV. FRANK F. MERRIAM
President of the Senate

SENATOR ARTHUR H. BREED
President pro tempore

JOSEPH A. BEEK
Secretary of Senate

COMPILED BY
PAUL MASON
Chief Assistant Secretary

489—Wagy, Jan. 22. To Com. on Co. Gov.

An act to amend sections 4095a and 4096 of the Political Code, relating to the population and classification of counties, and declaring same an urgency measure.

Jan. 22—Read first time. To printer.

Jan. 23—From printer. To committee. From committee with recommendation: Do pass. Read second time. Made case urgency. Article IV, section 15 of constitution suspended. Urgency clause read and adopted. Read third time. passed, title approved. To Assembly.

Jan. 23—In Assembly. Referred to Com. on Reapp.

Feb. 27—From committee with recommendation: Do pass. Made case urgency. Article IV, section 15 of constitution suspended. Read second time. Urgency clause read and adopted. Read third time, passed, title approved. To Senate.

Feb. 27—In Senate. To enrollment.

Mar. 3—Reported correctly enrolled. To Governor.

Mar. 3—Vetoed by Governor.

Mar. 3—Veto sustained.

490—Williams, Jan. 22. To Com. on Cons.

An act defining the civil liability for failure to control fire.

Jan. 22—Read first time. To printer.

Jan. 23—From printer. To committee.

Mar. 17—From committee with recommendation: Do pass as amended.

Mar. 18—Read second time. Amended. To print, engrossment, and third reading.

Mar. 20—Reported correctly engrossed.

Mar. 23—Read third time, passed, title approved. To Assembly.

Mar. 23—In Assembly. Read first time. To Com. on Cons.

Mar. 31—From committee with recommendation: Do pass as amended.

April 1—Read second time. Amended. To print and third reading.

April 7—Read third time. Amended. To printer. From printer.

April 23—Read third time, passed, title approved. Notice of reconsideration given by Mr. West.

April 24—Motion to reconsider continued to next legislative day.

April 27—Motion to reconsider continued to next legislative day.

April 28—Reconsideration granted. Read third time. Amended. To printer.

From printer. Read third time, passed, title approved. To Senate.

April 30—In Senate. Senate refuses to concur in Assembly amendment. Requests Assembly to recede.

May 9—In Senate. Senate refuses to concur in Assembly amendments. Requests Assembly to recede. Assembly refuses to recede. To Committee on Free Conference.

May 11—Free Conference report and amendment adopted. To Senate.

May 13—In Senate. Free Conference report and amendment adopted. To enrollment.

May 15—Reported correctly enrolled. To Governor.

June 12—Approved by Governor. Chapter 790.

491—Williams, Jan. 22. To Com. on Cons.

An act to amend section 384 of the Penal Code, relating to fires.

Jan. 22—Read first time. To printer.

Jan. 23—From printer. To committee.

Mar. 17—From committee with recommendation: Do pass as amended.

Mar. 18—Read second time. Amended. To print, engrossment, and third reading.

Mar. 20—Reported correctly engrossed.

Mar. 23—Read third time, passed, title approved. To Assembly.

Mar. 23—In Assembly. Read first time. To Com. on Cons.

Mar. 31—From committee with recommendation: Do pass as amended.

April 1—Read second time. Amended. To print and third reading.

April 23—Read third time, passed, title approved. To Senate.

April 24—In Senate. To enrollment.

April 30—Reported correctly enrolled. To Governor.

May 11—Approved by Governor. Chapter 311.

LEGISLATIVE DIGEST

1931

DIGEST OF BILLS AND CONSTITUTIONAL
AMENDMENTS INTRODUCED PRIOR TO
THE CONSTITUTIONAL RECESS

CALIFORNIA LEGISLATURE
FORTY-NINTH SESSION

JOSEPH A. BEEK
Secretary of the Senate

ARTHUR A. OHNIMUS
Chief Clerk of the Assembly

Compiled by
FRED B. WOOD
Legislative Counsel



2951

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S. B. 484. McCORMACK.

New act, re maintenance of professorships of nursing education, at University of California at Berkeley and Los Angeles.

Appropriates \$50,000 therefor.

S. B. 485. McCORMACK.

Amends § 2, Act 5545, re examination for registration as graduate nurse.

Skeleton bill.

S. B. 486. HAYS.

New act, re physicians and surgeons.

Words "doctor," "physician," "surgeon," or titles or abbreviations thereof, when used on cards, billboards, etc., must be accompanied by designation of college degree and name of college issuing the same, together with name of State issuing license to practice.

S. B. 487. MALONEY.

Amends § 602a, Pol. C., re reserves on liability policies.

Insurance Commissioner issues minimum premium schedule for computation.

S. B. 488. MALONEY.

Adds 602c, Pol. C., re liability insurance rates.

Must file schedule November 15th for year following. Insurance Commissioner's approval for change. Antidiscrimination clause. Civil, criminal penalties.

S. B. 489. WAGY.

Amends §§ 4005c, 4006, Pol. C., re classification of counties.

Reclassification bill.

S. B. 490. WILLIAMS.

New act, re fire damage.

Defines civil liability therefor.

S. B. 807, identical bill.

S. B. 491. WILLIAMS.

Amends § 384, Pen. C., re fires.

LIST OF MEMBERS
OFFICERS AND COMMITTEES

AND THE
RULES OF THE TWO HOUSES

OF THE
California Legislature

at Sacramento

Together with CALIFORNIA
Supreme Court, Legislature, Congress,
Committees, Classification, Records,
Classification, 1954

JAN
FOR THE YEAR—
FORTY-NINTH SESSION

DOCUMENTS SECTION
First Part—January 6 to 22.
(Which Preceded Constitutional Session)
Second Part—Beginning February 26, 1931.

JOSEPH A. BEEK,
Secretary of the Senate.
ARTHUR A. OHNIMUS,
Chief Clerk of Assembly.

CALIFORNIA STATE PRINTING OFFICE
HARRY HARMOND, STATE PRINTER
SACRAMENTO, 1931

82703

LIST OF MEMBERS

OFFICERS AND
COMMITTEES

—AND—
THE RULES OF

THE SENATE

FOR THE YEAR 1891.

FORTY-NINTH SESSION.

—
JOSEPH A. BEEK,
Secretary of the Senate.

Compiled by
PAUL MASON
Assistant Secretary.

Sen.

MEMBERS OF THE SENATE—Continued.

District	Names and counties	Politics	Home P. O. address	Sacramento address	Legislative service
	R				
10	High, W. P.	R.	Marysville	Senator Hotel	46
28	Yule, Suttler	R.	Bishop	Senator Hotel	48
37	Luye, Glenn	R.	922 Merchants National Bank Bldg., Los Angeles	Senator Hotel	47-48-49
	S				
	Sharker, Will H., Contra Costa, Marin	R.-D.	Marines	Senator Hotel	41-42-43-44-45-46-47-48-49
24	Schottky, Andrew H., Merced, Madera	R.	Merced	Senator Hotel	40
12	Stater, Herbert W., Sonoma	D.-R.	500 4th st., Santa Rosa, or Box 96	Senator Hotel	39 40-41-42-43-44-45-46-47-48-49

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Members of the Senate

30	Swing, Ralph E., San Bernardino	R.	Suite 11, Garner Bldg., San Bernardino	Senator Hotel	45-46-47-48-49
	T				
21	Treacy, Timothy C.	..	39 Buena Vista Terrace, San Francisco	Senator Hotel	32-49
19	Tuloh, Tallant, San Francisco	R.	200 Bush st., San Francisco	Senator Hotel	46-47-48-49
	W				
24	Wager, J. L., Kern	R.-D.	1902 2d st., Hakersfield	Sacramento Hotel	47-48-49
26	Williams, Dan E., Tuolumne, Mariposa, Calaveras	R.	Jacksonville, via Chinese Camp	1812 N st.	39-42-47-48-49
	Y				
27	Young, Saubers, Santa Clara	R.	P.O. Box 339, Los Gatos	Lewis Apts.	40-47-48-49

Members of the Senate

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S. S.

SWISS—Finance (Ch.), Commerce and Navigation, Constitutional Amendments, County Government, Drainage, Swamp and Overflowed Lands, Fish and Game, Judiciary, Motor Vehicles, Revenue and Taxation, Roads and Highways.

TAMM—Hospitals and Asylums, Motor Vehicles, Municipal Corporations, Roads and Highways.

TODD—Insurance (Ch.), Commerce and Navigation, Education, Banking, Elections, Finance, Governmental Efficiency, Military Affairs, Public Morals.

WAGY—County Government (Ch.), Agriculture and Live Stock, Elections, Federal Relations, Irrigation, Public Health and Quarantine, Labor and Capital, Motor Vehicles, Oil Industries, Public Utilities.

WILLIAMS—Public Health and Quarantine (Ch.), Conservation, Contingent Expenses, Engraving, Enrollment and Printing, Fish and Game, Mines and Mining, Motor Vehicles, Prisons and Reformatories, Public Charities and Corrections, Roads and Highways.

YORGE—Fish and Game (Ch.), Building and Loan Associations, Conservation, Elections, Finance, Irrigation, Public Health and Quarantine, Revenue and Taxation, Universities and Teachers Colleges.

SCHEDULE OF COMMITTEE MEETINGS.

Monday afternoon—Building and Loan Associations, Conservation, Motor Vehicles

Monday evening—Agriculture and Live Stock, Judiciary, Public Health and Quarantine.

Tuesday morning—Finance, Reapportionment.

Tuesday afternoon—Banking, Drainage, Swamp and Overflowed Lands; Fish and Game.

Tuesday evening—Revision of Criminal Law and Procedure, Irrigation, Roads and Highways.

Wednesday morning—Commerce and Navigation, Governmental Efficiency, Hospitals and Asylums.

Wednesday afternoon—Mines and Mining, Municipal Corporations, Revenue and Taxation.

Wednesday evening—Judiciary, Oil Industries, Public Morals.

Thursday morning—Constitutional Amendments, Federal Relations, Insurance, Prisons and Reformatories.

Thursday afternoon—Elections, Military Affairs, Public Utilities.

Thursday evening—Education, Labor and Capital.

Friday Morning—County Government, Public Charities and Corrections, Universities and Teachers Colleges.

Special (To be held upon call of Chairman)—Contingent Expenses; Engraving, Enrollment and Printing; Rules.

STATE OF CALIFORNIA



Forest and Fire Laws

1931-1933



PUBLISHED BY
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY



89383

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(7)

Civil Liability for Failure to Control Fire

(Stats. 1931: ch. 790, p. 1644)

Section 1. Any person who:

- (1) Personally or through another, and
- (2) Wilfully, negligently, or in violation of law, commits any of the following acts:
 - (1) Sets fire to,
 - (2) Allows fire to be set to,
 - (3) Allows a fire kindled or attended by him to escape to the property, whether privately or publicly-owned, of another, is liable to the owner of such property for the damages thereto caused by such fire.

SEC. 2. Any person who allows any fire burning upon his property to escape to the property, whether privately or publicly owned, of another, without exercising due diligence to control such fire, is liable to the owner of such property for the damages thereto caused by such fire.

SEC. 3. The expenses of fighting such fires shall be a charge against any person made liable by this act for damages caused thereby. Such charge shall constitute a debt of the person charged and shall be collectible by the party, or by the federal, state, county, or private agency incurring such expenses in the same manner as in the case of an obligation under a contract, expressed or implied.

SEC. 4. This act shall not apply to or affect any existing rights, duties or causes of action, nor shall it apply to or affect any rights, duties or causes of action accruing prior to the date this act takes effect.

SEC. 5. Section 3344 of the Political Code is hereby repealed.

SEC. 6. Section 3346a of the Civil Code is hereby repealed.

(19)

INTRODUCED BY SENATOR WILLIAMS,

January 23, 1931.

REFERRED TO COMMITTEE ON CONSERVATION.

An act defining the civil liability for failure to control fire.

The people of the State of California do enact as follows:

- 1 SECTION 1. Any person who:
2 1. Personally or through another, and
3 2. wilfully, negligently, or in violation of law, commits
4 any of the following acts:
5 (1) Sets fire to,
6 (2) allows fire to be set to,
7 (3) allows a fire kindled or attended by him to escape to, or
8 (4) unlawfully sets a fire which escaped to the property,
9 whether privately or publicly owned, of another, is liable to
10 the owner of such property for the damages thereto caused by
11 such fire.
12 SEC. 2. Expense of fighting such a fire shall be a charge
13 in favor of the party or government agency incurring such
14 expense and against any person made liable by this act for
15 damages caused thereby. Such charge shall constitute a debt
16 of the person charged and shall be collectible in the same
17 manner as in the case of an obligation under a contract express
18 or implied.

AMENDED IN SENATE MARCH 18, 1931.

SENATE BILL

No. 807

INTRODUCED BY SENATOR WILLIAMS,

January 23, 1931.

REFERRED TO COMMITTEE ON CONSERVATION.

An act defining the civil liability for failure to control fire.
TO AUTHORIZE THE DIVISION OF FORESTRY OF
THE DEPARTMENT OF NATURAL RESOURCES TO
PURCHASE LAND FOR LOOK-OUT SITES AND
OTHER ADMINISTRATIVE PURPOSES.

The people of the State of California do enact as follows:

- 1 SECTION 1. Any person who
2 1. Personally or through another, and
3 2. Wilfully, negligently, or in violation of law, commits any
4 of the following acts:
5 (1) Sets fire to,
6 (2) allows fire to be set to,
7 (3) allows a fire kindled or attended by him to escape to, or
8 (4) unlawfully sets a fire which escaped to the property,
9 whether privately or publicly owned, of another, is liable to
10 the owner of such property for the damages thereto caused by
11 such fire.
12 SEC. 2. Expense of fighting such a fire shall be a charge
13 in favor of the party or government agency incurring such
14 expense and against any person made liable by this act for
15 damages caused thereby. Such charge shall constitute a debt
16 of the person charged and shall be collectible in the same
17 manner as in the case of an obligation under a contract express
18 or implied.
19 SECTION 1. The state division of forestry of the depart-
20 ment of natural resources by and with the approval of the
21 department of finance is hereby authorized to purchase land
22 for look-out sites and other administrative purposes.

0

CALIFORNIA LEGISLATURE
AT SACRAMENTO
FORTY-NINTH SESSION
1931

SENATE FINAL HISTORY

SYNOPSIS OF SENATE BILLS, CONSTITUTIONAL
AMENDMENTS, CONCURRENT AND
JOINT RESOLUTIONS

FORTY-NINTH SESSION

DURATION OF SESSION

First Half—January 5—January 23, inclusive.
Second Half—February 24—May 16, inclusive.
(Duration, 131 days)

LIEUT. GOV. FRANK F. MERRIAM
President of the Senate

SENATOR ARTHUR H. BREED
President pro tempore

JOSEPH A. BEEK
Secretary of Senate

COMPILED BY
PAUL MASON
Chief Assistant Secretary

806—Williams, Jan. 23. To Com. on Elec.

An act to amend sections 1195b, 1205, 1210, and 1231, of the Political Code, relating to registration of electors and conduct of elections, and to repeal section 1202, of the Political Code, relating to tally lists.

- Jan. 23—Read first time. To printer.
- Feb. 2—From printer. To committee.
- Mar. 13—From committee with recommendation: Be amended, and re-referred to committee.
- Mar. 16—Read second time. Amended. To printer. From printer. To committee.
- Mar. 20—From committee with recommendation: Do pass.
- Mar. 23—Read second time. To engrossment and third reading.
- Mar. 24—Reported correctly engrossed.
- Mar. 25—Read third time, passed, title approved. To Assembly.
- Mar. 26—In Assembly. Read first time. To Com. on Elec.
- Mar. 31—From committee with recommendation: Do pass as amended.
- April 1—Read second time. Amended. To print and third reading.
- April 7—Read third time. Amended. To printer. From printer.
- April 10—Read third time, passed, title approved. To Senate.
- April 13—In Senate. Senate concurs in Assembly amendment. To enrollment.
- April 17—Reported correctly enrolled. To Governor.
- April 27—Approved by Governor. Chapter 250.

807—Williams, Jan. 23. To Com. on Cons.

An act to authorize the Division of Forestry of the Department of Natural Resources to purchase land for look-out sites and other administrative purposes.

- Jan. 23—Read first time. To printer.
- Feb. 2—From printer. To committee.
- Mar. 17—From committee with recommendation: Do pass as amended.
- Mar. 18—Read second time. Amended. To print, engrossment, and third reading.
- Mar. 19—Reported correctly engrossed.
- Mar. 24—Read third time, passed, title approved. To Assembly.
- Mar. 25—In Assembly. Read first time. To Com. on Cons.
- April 8—From committee with recommendation: Do pass.
- April 9—Read second time.
- May 1—Read third time, passed, title approved. To Senate.
- May 1—In Senate. To enrollment.
- May 7—Reported correctly enrolled. To Governor.
- June 15—Approved by Governor. Chapter 852.

808—Williams, Jan. 23. To Com. on Elec.

An act to amend sections 1094 and 1096 of the Political Code, relating to elections.

- Jan. 23—Read first time. To printer.
- Feb. 2—From printer. To committee.
- April 10—From committee with recommendation: Do pass as amended.
- April 13—Read second time. Amended. To print, engrossment, and third reading.
- April 15—Reported correctly engrossed.
- April 16—Read third time, passed, title approved. To Assembly.
- April 17—In Assembly. Read first time. To Com. on Elec.
- April 29—From committee with recommendation: Do pass.
- April 30—Read second time.
- May 12—Read third time, passed, title approved. To Senate.
- May 13—In Senate. To enrollment.
- May 15—Reported correctly enrolled. To Governor.
- June 19—Approved by Governor. Chapter 1032.

809—Breed, Jan. 23. To Com. on Fin.

An act to amend section 6 of, and to add a new section to be numbered section 6½ to chapter 765, Statutes of 1927, entitled "California State Park Bond Act of 1927," approved May 25, 1927, creating the California State Park Revolving fund, making appropriation for such fund and providing for its disbursement and replenishment.

- Jan. 23—Read first time. To printer.
- Feb. 2—From printer. To committee.
- May 15—From committee without recommendation.

LEGISLATIVE DIGEST

1931

DIGEST OF BILLS AND CONSTITUTIONAL
AMENDMENTS INTRODUCED PRIOR TO
THE CONSTITUTIONAL RECESS

CALIFORNIA LEGISLATURE
FORTY-NINTH SESSION

JOSEPH A. BEEK
Secretary of the Senate

ARTHUR A. OBINIMUS
Chief Clerk of the Assembly

Compiled by
FRED B. WOOD
Legislative Counsel



2051

LIS - 8

S. B. 807. WILLIAMS.

New act re fire damage.

See S. B. 490, apparently identical bill.

S. B. 808. WILLIAMS.

Amends §§ 1094 and 1096, Pol. C., re registration of voters.

Skeleton bill.

S. B. 809. BREED.

Amends § 6, adds § 61, Act 6382, re California State Park Revolving Fund.

Fifty thousand dollars appropriated to start new fund. To be used for acquisition of land and properties for parks on order of State Park Commission. Fund replenished from proceeds of State park bond as soon as sold. When all bonds sold, fund to be repaid into general fund.

S. B. 810. BREED.

Amends § 365f, Pol. C., re powers of California Highway Commission.

Deletes provisions re powers of Commission to improve with State funds portions of State highways lying within municipalities of more than 2500 people when such rights of way are dedicated or released by such municipalities to State. Adds that Commission has power to acquire rights of way for such portions of highway and to construct, improve and maintain the same as a State highway. All municipalities are given power to aid the State in acquisition of such rights of way and in cost of construction, improvement and maintenance of such portions of highway within their limits.

S. B. 811. RICH.

Amends § 690, C. C. P., re property exempt from execution.

Skeleton bill.

S. B. 812. RICH.

Amends § 3480, Pol. C., re issuance of bonds of reclamation district.

Skeleton bill.

S. B. 813. CLEVELAND.

Adds § 9a26, Act 2750, re salary County Librarian, Santa Cruz County.

Skeleton bill.

STATE OF CALIFORNIA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY

REPORT

ON A

Forest Fire Prevention Meeting

CALLED BY THE

CALIFORNIA STATE BOARD OF FORESTRY

FEBRUARY 4, 1930



76316

LIS - 9

Report on a Forest Fire Prevention Meeting

The special meeting called by the State Board of Forestry to convene in Sacramento at 10 a. m. on February 4, 1930, to discuss fire prevention, was held according to schedule in the Governor's Council Chamber, with the following board members in attendance:

Vice Chairman Walter Mulford, H. S. Gilman, Swift Berry, A. J. Mathews, D. Eymann Huff, W. O. Biasingame. Absent Dr. Geo. C. Pardee, Chairman.

Secretary M. B. Pratt and Mr. Fred G. Stevenot, Director of the Department of Natural Resources, were also present.

In the absence of Chairman Pardee, who was unable to be present on account of illness, Vice Chairman Mulford presided.

Mr. Mulford expressed the sincere regret of all the members of the Board that Ex-Governor Pardee was not well enough to be present, and the deep appreciation of his wonderful leadership in conservation matters through so many years. Mr. Mulford then outlined briefly the background for the existence of a State Board of Forestry and a Division of Forestry in the state government. He said in part as follows:

"At the outset of today's discussion it will be well for us to be clear in our minds as to the objectives of the state's work in forestry. We propose that today shall be a great turning point in the development of forestry in California. In order to plan wisely for the future we should review the situation briefly, so that later in the day the discussions may take definite lines and accomplish something.

"There are about 100 million acres of land in California. This area may be divided into five approximately equal parts which may be the more easily kept in mind by being likened to the fingers of one hand. These five fingers will be five distinct elements in the state's resources.

"One of the five is ploughed land—farm lands, comprising about 20 million acres. The second finger represents the timber-producing area, or chaparral, also in the neighborhood of 20 million acres.

"The other two-fifths are not so evenly divided in area. The fourth finger is grass land, primarily useful for grazing. The last portion of our total state area includes deserts, the rock and snow areas of the high mountains, lakes and rivers, cities, towns and roads.

"The Division of Forestry has to do with portions of at least two of these fifths: the forests and the brush or chaparral. It also happens that the Division of Forestry is charged with the responsibility of fire protection on very large areas of grass and grain lands.

"The federal government, through its national forests and national parks, is responsible for the administration of about one-fifth of the state, made up partly of timber and partly of brush. Aside from grass and grain fires, the state is responsible for protection on another one-fifth, making up the remainder of the timber and the remainder of the brush.

"I want to drive down deep into your consciousness today a realization of what these forest and brush lands will mean to the people who shall sit in this room in our places fifty or a hundred years hence, and what they mean now to the present-day Californian.

"The forest and brush areas furnish large amounts of grazing and forage; they provide recreational playgrounds which make for the health and wholesomeness of the people of the commonwealth and are also a financial advantage. They support a great industry—the lumber business—which underwrites one of the great pay rolls of the state and should remain one of our great assets. There is no reason why, under proper management, we should not continue to have timber production along with these other uses. Wood, with its cheapness and its many good qualities, is an essential. And last and greatest, it use which is fundamental to the very existence of the state, our forest and brush lands give us water. I think that everyone in this room realizes that the need for water continues to become greater and greater, and that if our available water is to yield full measure of service to us, we must have the best possible care of the forest.

"I am no alarmist, but I do want to call your attention to one illustration from history. About a thousand years ago, Bagdad, a city in the great Mesopotamian plain, had a population equal to the combined populations of Los Angeles, San Francisco, Oakland and the other East Bay cities. Bagdad was the glory and the splendor of the eastern world. Protected by a reasonably good forest cover, the Tigris and Euphrates rivers supported a great irrigation system in the vast fertile plain, and the city itself depended in large measure upon the agriculture which resulted from that irrigation system. What is the condition now? The forests on the mountains are gone, except a few scattered remnants. The irrigation works are almost deserted and the plain largely unpopulated. Bagdad itself now has a population much less than that of Oakland. It has lost all of Los Angeles, all of San Francisco, part of Oakland and all of the other East Bay cities.

"It would be foolish to say that this is all the result of deforestation. It is only one of several causes and probably not the most important. Political forces would probably have brought about its downfall anyway. But the essential point for us to bear in mind is that, even had every other factor made for the stability of the region, its greatness could not have persisted after the water was gone.

"It is the function of the State Board of Forestry to do its best to conserve the forest and brush cover of the state. Public interest and public spirit must see to it that the State Board of Forestry does its work right; to that end, therefore, you ladies and gentlemen have been called together here. We know that you represent the public-spirited organizations in the state which are interested in forestry, and we appreciate the fact that you have been willing to sacrifice your own individual interests in coming here.

"The definite object of this meeting will now be explained by a member of the State Board of Forestry, whose idea it has been from the start—who first thought of it, and who is responsible for this group being here today. I take pleasure in introducing Mr. Arthur J. Matthews."

Mr. MATHEWS: "History relates that about one hundred and seventy-five years B. C., there was a certain old Roman by the name of Marcus Cato, who invariably concluded his addresses to the Senate with the following words: 'I vote that Carthage shall be destroyed.' History further relates that due largely to the constant repetition of the above statement, the three Punic Wars came to pass. Now, I have taken a leaf from Marcus Cato's book and at every opportunity during the past year I have referred to the necessity of a plan being formed in California, having for its object the advancement of forestry and the preservation of the watersheds of the state, not with the idea of starting a war but in the interest of arousing the public conscience.

"Mr. Mulford has just told you that it was I who first suggested the calling together of various groups in the State of California who should have a real interest in forestry and the watershed problem of the state, and it has been largely due to constant urging and repetition that this meeting was called. This has been done in order that we might present to you, if possible, a picture of what California really must have if she is to be recognized from a forestry standpoint. Ladies and gentlemen, I lack of interest generally has been our chief difficulty in the past. In comparison with other big activities of the state, we have not been recognized. Huge sums of money have been spent in the past for highway development, for reclamation works and for many other projects and we have no criticism to offer on that score. We do feel, however, that a proper recognition of the importance of forestry and its related subject—watershed protection—is vital to the economic progress of the State of California, for in the last analysis it means the survival of our civilization.

"Governor Young is appreciative of the huge problem involved. During his administration he has increased the budget in excess of one hundred per cent over what it had been during the previous administration, and while this was a tremendous increase the amount is insufficient to do the job in a big way. Now, the thought we had in calling you people together was to see if there could not be outlined a definite, concrete program which would have for its object the protection of our forests and of our watersheds while there is yet time and before our forests are gone.

"A few months ago the members of the State Board of Forestry visited southern California and on that trip we covered four southern counties, namely, Los Angeles, San Bernardino, Riverside and Orange and our experience was most enlightening. We saw a magnificent organization there, built up by the people of the south and were informed in one county alone the sum of one million dollars is expended yearly for forest protection. They feel so keenly the necessity for the protection of the watersheds on the mountains in that locality, that one prominent man expressed himself to the effect that they wanted no more industries in their part of the state until such time as the watershed cover is protected. The matter has come directly home to them due to erosion and the floods which have resulted by reason of erosion, while we in the north are living in a false sense of security because the question seems to be remote. Ladies and gentlemen, let us quit talking and do something to save the forests of California for future generations."

Mr. Mulford: "At every turn Governor Young has proven by act as well as by word, the genuineness of his appreciation of what forestry means to California. I take pleasure in introducing Governor Young."

Governor Young: "Ladies and gentlemen who are here at this extremely important meeting. I recognize in the first place that this is a very different audience from the audience which I am from time to time privileged to address. With most audiences, in talking about governmental problems which we are ourselves trying to solve, I am speaking to those who presumably might not know as much about the subject as one who is right at headquarters, and I am to a certain extent giving them information. I can not give you information, because each one of you represents some organization which is making a study of this particular problem."

"The few words which I will say to you, therefore, will be of a very general character. The two board members who have spoken to you briefly this morning, have brought to you some of the ideals, and thoughts, and aims which actuate this board which is doing so much for the State of California."

"We have in this state a great many problems. We have highway problems and we are weaving threads of well-finished highways all across this state, from one end to the other, which will enable the people of the state to go more easily and economically from place to place, and this is tremendously important. The people are interested and we recognize, therefore, the importance of that problem and we are all delighted at the splendid way in which it is being carried out."

"We have big agricultural problems which are exceedingly important, for after all, we are prosperous in California only in proportion as the agriculturist is prosperous."

"A great many of you are interested in the question of mining, and recognize the great need for a study of the mining industry in California, and we are working out those things as best we can."

"But this particular problem which you have gathered here today to discuss, is perhaps paramount to anything which I have mentioned—the preservation of the forests and watersheds of our state. We live in a semiarid state but it is a very beautiful state. It has more variety of climate, of scenic beauty, and of opportunity for those who come here than any other state in the Union. We are proud of it and are extremely happy that fortune has allowed us to live here; but there is the disadvantage of long, dry summers, and if we should try to depend altogether on the rainfall and had no other means of entitling our crops, we could not produce crops that would sustain the large population which is destined ultimately to come to California."

"There was a legislative committee appointed by the legislature in 1927, which spent nearly two years in making a study of water conditions in California. Shortly after I was elected to the office which I now hold, President Hoover sent for me to come to San Francisco. Mr. Hoover was then Secretary of Commerce. He told me he wanted to discuss with me the water problem in California, since he believed it was a very important one—one in which the federal government had a very definite part to play as well as the state."

"He said: 'I thoroughly realize that the farmer himself can not pay the whole sum for the water which he puts upon his land because he can not produce a sufficient amount to make that economically possible.'

"He said: 'The cost of solving the water problem in this country must be divided—it must be divided between the farmer, and the counties in which irrigation plans are worked out, and the cities which derive some advantages from those farming districts, and the state, and the federal government as well'—and he made the suggestion at that time that I get in touch with President Coolidge and see if a joint state and federal committee could not be appointed to work out these problems."

"At the last session of the legislature bills were passed by which the Department of Public Works was instructed to make a study of our water resources, and it was provided that a joint committee should be appointed. I then asked Mr. Meek, the head of the Department of Public Works, to go to Washington and have a talk with President Hoover about this subject. He did so and was received most courteously. As a result of that conference we have a very splendid water resources committee, appointed partly by the President and partly by myself, with former Governor Pardee as the head."

"Now the work of that committee has to do very largely with the waters which fall and run into our streams—the conservation of that water which may be stored into dams, and let out and put upon our lands as we need it from time to time."

"Another great part of it, however, is the part which you people who are here today are interested in—the underground waters of the state. You are interested not only for the preservation of our forests and the survival of the lumber industry, but also for the tremendously important service of doing whatever can be done to conserve the underground water."

"When I was recently in another portion of the state, someone told me the story of how, little by little, the constant drain upon the water resources in that section has been so tremendous that the water table has been lowering from year to year—that some of it has entirely gone dry where the water table has got so low that it is not economically feasible to pump that water up to the surface."

"Just exactly the same thing is going to happen in other parts of California, as the country fills up and greater demands are made on our water resources. We have recently drawn a curve which shows that within twenty years we are going to have a state of more than ten million population, and when we pass that mark it means that we are going to have a vast number of people here who must be fed, and can be fed only by a more extensive irrigation system; and that means that we must sustain a more intensive agriculture."

"Therefore, the big job we have before us is to see to it that the waters of the state are conserved so that their greatest usefulness may be reached."

"We recognize, as your chairman has said, the value of this. We recognize the value of the timber, for it is common knowledge that

our country would never have made the strides it has, if it had not been for its timber resources. But we do want particularly to protect these watersheds in any way that we can do it.

"I made a computation the other day by taking the budgets for the four years previous to the present administration, and while I do not wish to be understood as making a comparison in any sense, I found by the figures as set down in the budget of 1925, that the total sum devoted to forestry in those four years amounted to three hundred and ninety thousand dollars (\$390,000). I also found that during the four years of the present administration to date the sum devoted to forestry has amounted to eight hundred and seventy-two thousand dollars (\$872,000), which is over twice the amount for the previous administration. I do not think you can show me another state department in which there has been such an increase. And we are planning on increasing the budget the next time. We probably can not do as much as the enthusiasts among you demand, but we do realize the tremendous and vital importance of this thing, and it is our desire to do all we can toward helping to work out the problem. It is not going to be done in a year, but we must be steadily working toward the goal which we hope ultimately to reach.

"We have had more fires this year than we had last year, and still the loss from fires is decidedly less than last year. That means that we have a larger fire-fighting force.

"There is one other thing that I wish that we might do, and that is, make the people of this state forestry conscious. We must try to make them realize the irreparable loss which results from fires that occur in forests.

"I have had in mind what is possibly a rather impractical plan, as to whether it might not be feasible to furnish everyone that goes into our forests with some sort of a button or badge, to show that he recognizes his responsibility as a citizen while in the mountains. The great majority of our fires are man-caused, and most of them could be avoided if only reasonable care on the part of our citizens were exercised.

"In closing, I want to congratulate you who have assembled here in such numbers for a consideration of today's problems; and I want especially to congratulate the State Board of Forestry on the type of citizens which it has interested in attending a meeting of this character."

Mr. MULFORD: "I think it would be well worth while at this time if we would come to know one another. I am therefore going to ask that you make yourselves known to each other at once."

Roll-call disclosed that the following organizations were represented at this meeting:

American Legion—Edward T. Cook, 353 Sonoma Way, Emergency Commission, Sacramento.

Associated Firemen of San Mateo County—Edward J. White, Chief, San Carlos, R. A. Rippey, San Bruno.

Benevolent and Protective Order of Elks—J. J. Lerman, 504 Balboa Bldg., San Francisco.

California Cattlemen's Association—W. O. Blasingame, 620 Carmen St., Fresno.

California Farm Bureau Federation—W. S. Rosecrans, 500 Chamber of Commerce Bldg., Los Angeles.

California Federation of Business and Professional Women's Clubs, Inc.—Miss Ida M. Reed, President, 703 Market St., San Francisco.

California Federation of Women's Clubs—Mrs. Charles E. Parsons, Chairwoman of Conservation, Box 313, Nevada City.

California Fireman, Th.—R. E. Thompson, First Vice President, Thomas Wiedenmann, Associate Editor, P. O. Box 141, San Bruno.

California Forest Experiment Station—E. I. Kotok, Director, 113 Hilgard Hall, Berkeley.

California Forest Protective Association—W. R. Schofield, Assistant Secretary, 612 Call Bldg., San Francisco.

California-Oregon Power Co.—O. G. Steed, Irwin.

California State Chamber of Commerce—W. Boucher, District Manager, Sacramento; Charles G. Dunwoody, Director, Conservation Department, Ferry Bldg., San Francisco.

California State Grange—Geo. Schluenger, Elk Grove.

California White and Sugar Pine Association—R. E. Scott, 600 Call Bldg., San Francisco.

California Wood Growers Association—A. T. Spencer, Woodland.

Commonwealth Club of California—Walter Mulford, 305 Hilgard Hall, Berkeley.

Humboldt Redwood Reorestation Association—W. R. Schofield, 109 G St., Eureka.

Los Angeles County Conservation Association—George H. Cecil, Secretary, Room 800, Los Angeles Chamber of Commerce Bldg., Los Angeles; W. S. Rosecrans, President (above address); Paul H. Gray, 25 E. Puente St., Covina.

Los Angeles Chamber of Commerce—W. S. Rosecrans, 500 Chamber of Commerce Bldg., Los Angeles.

Los Angeles County Forestry Department—Joseph J. Davis, Chief Asst., Forester and Firewarden, Hall of Records, Los Angeles.

Michigan-California Lumber Co.—Swift Berry, Camano.

Native Sons of the Golden West—Southard M. Mowry, 695 Market St., San Francisco; R. L. F. Bigelow, Nevada City.

Out Door Christmas Tree Assn.—Mrs. Ruth Kenne, c/o Dr. Charles Kenne, Colonial Acres, Sacramento.

Redwood Empire Association—Mrs. Oscar F. Long, 68 Post St., San Francisco.

Redwood Fire and Protective Assn.—V. B. Davis, Fort Bragg.

Red River Lumber Company—Kenneth R. Walker, Westwood and Moundneck Bldg., San Francisco.

Riverside County—Oscar Ford, County Forester, Riverside.

Sacramento County Firemen—Capt. Owen W. Brown, 2419 Donner Way, Sacramento.

Sacramento Region Citizens Council—Kenneth R. Walker, c/o Forest Study Committee, Westwood.

San Bernardino Municipal Water Department—William Strick, Supt., San Bernardino.

San Bernardino County Board of Forestry—Dr. J. N. Baylis, Chairman, San Bernardino.

San Lorenzo Valley Chamber of Commerce—Ivanish Hartmann, Boulder Creek.

San Mateo County Firewarden—B. L. Wordler, 20 Hyde St., Redwood City.

- San Mateo County Board of Supervisors—T. L. Hickey, South San Francisco.
- Society of American Foresters—E. T. Meinecke, Ferry Bldg., San Francisco.
- Southern California Assn. of Foresters and Firewardens—Frank E. Doune, County Forester, Santa Barbara.
- Tri-Counties Reforestation Committee—Francis Cuttle, Riverside.
- Stop Forest Fires Committee—Wallace I. Hutchisson, c/o District Forester, San Francisco.
- U. S. Forest Service—Jay H. Price, representing California District and Federal cooperation under Clarke-McVeary Law, Ferry Bldg., San Francisco.
- University of California—Woodbridge Metcalf, Extension Forester, Agricultural Extension Service, Elgard Hall, Berkeley.
- Isaak Walton League of California—D. L. Vashinder, President, Upland.
- Willits Water Company—Mrs. Oscar F. Long, Willits.

Mr. MULLFORD: "Each department of the state's government is divided into two branches—the legislative and the executive—each responsible to the Governor. The State Board of Forestry under whose auspices this meeting is held is, so to speak, the legislative branch and is charged with the duty of determining policies. The Division of Forestry is part of the executive branch which has as its head Mr. Fred G. Stevenot, Director of the Department of Natural Resources. Mr. Stevenot has worked so splendidly with the State Board of Forestry at every point, that I want to take this occasion to say most sincerely, that it has been a real joy to each member of the board to work with him. Mr. Stevenot I know has a real message and I am sure needs no introduction."

Mr. STEVENOT: "I was particularly impressed when each individual present arose and announced the board, commission or agency that he represented. For I then realized as one in the state's service, that it would not have been possible to have developed the Board of Forestry's constructive program so basically important to the state, were it not for the intelligent cooperation of such groups as are represented here today."

"Oftentimes, growing out of failures to achieve objectives, we feel as though there exists lack of general appreciation of what we are striving to do, but if we would only stop for a moment to consider, we would realize that there are many agencies working to the common end of bringing California forward in the matter of forestry."

"The Department of Natural Resources is the conservation department of the state. Conservation is not a question of looking things up for the future—of hoarding them—but rather a matter of making the proper use of the resources of the state, and the bringing about of a proper program looking to the elimination of waste."

"Nearly everyone is against waste, particularly as to money. Sometimes we think we are saving when in fact we are only narrow in our vision, or perhaps giving too much attention to one particular line of thought, hence, sometimes we might in reality be wasteful in attempting to save money. This is true as regards forestry in California."

"As the Governor has stated to you this morning, there is an interrelation between the various departments of the State Government, and there is a dependence of the functions of almost every state depart-

ment upon the very questions which you have gathered here this morning to discuss. Therefore, the result of this meeting which you are holding here today will carry considerable weight in the completion of the program which we are gradually developing and hope ultimately to apply in the state.

"I can not conceive of how we can ever expect to properly develop the mineral resources of California unless the watersheds of the state are protected. Industry can not carry on without water. Also we can not expect to propagate our wild life unless we exercise proper forestry practices."

"We are going about measuring the precipitation that falls on the Sierra summits, and expect to spend millions of dollars in the construction of dams and works to carry water from one end of the state to the other. But, basically behind all this is the great forestry problem. This group backed by the State Board of Forestry, might continue to urge the necessity for providing for a balanced program in California, particularly upon those who have the final word in determining how far the state shall go financially in order that we might protect the waters of California to the last drop."

In concluding his remarks, Mr. Stevenot said that as he looked over the activities of the several divisions, he knew of nothing so basically important as the work which the Division of Forestry is doing and the things which the group present no doubt have in mind.

At the conclusion of Mr. Stevenot's remarks, Mr. Mathews stated that the members of the State Board of Forestry had on several occasions discussed the advisability of having the persons in attendance at this special meeting when it was held, go into conference without the presence of the board, the idea being that having heard the object of the meeting set forth by the various persons who had addressed them, they might be interested in initiating a program of their own and making more or less definite recommendations.

Mr. Mulford explained further that if this plan were carried out, Mr. Stevenot and Mr. Pratt would be glad to come in at any time to counsel with them and answer questions.

Mr. Rosecrans (Los Angeles County Conservation Association) said that while he did not wish to be in the position of objecting to the suggestion made by Mr. Mathews, he felt that the group assembled could work better together than by meeting separately as he felt that more progress could be made if this were done.

Mr. Cuttle (Tri-Counties Reforestation Association) agreed with Mr. Rosecrans that matters would be expedited if the group consulted together as one body rather than as two distinct meetings.

Mr. Dunwoody (California State Chamber of Commerce) stated that he came to meet with the State Board of Forestry and to consult with them, and that he was opposed to having two separate meetings.

Mr. Modry (Native Sons of the Golden West) stated that he had attended several meetings of the State Board of Forestry and that he knew full well the good work that the board was doing. He said prior to coming to this meeting, he had asked his organization how far they were willing to go in the matter of cooperation with the State

Board of Forestry in its forest and watershed protection program, and they replied—"As far as the board would like to have us go." He said he knew of his own personal knowledge that the Native Sons, as far as enthusiasm and money were concerned, would back the State Board of Forestry to the fullest extent.

It was then moved by Mr. Cuttle, seconded by Mr. Modry,

"That each person present be given five minutes time in which to express his particular problem for the consideration of the group."

Dr. Baylis (San Bernardino County Board of Forestry) expressed himself as opposed to the motion, on the ground that it would only use up time and pave the way for further meetings. He said he felt that the delegates should meet with the State Board of Forestry, then appoint a Resolutions Committee to submit definite recommendations for discussion at the afternoon session.

After some further discussion the motion was put by the chair and defeated.

It was suggested by Mr. Stevenot that State Forester Pratt outline for the benefit of those present, the activities of the Division of Forestry for the past year, as well as render a statement in connection with the development of the motorized equipment program which had been inaugurated during the past fire season. He said after this was done, the delegates could then convey to the State Board of Forestry their idea of the size of an appropriation it would be necessary to have in order to carry on a comprehensive program and leave it to the State Board of Forestry and the Department of Natural Resources to present a proper set-up to the next budget makers.

It was moved by Mr. Kotok (California Forest Experiment Station), seconded by Mr. Cecil (Los Angeles County Conservation Association),

"That State Forester Pratt present a brief report of the activities of the Division of Forestry for the past year, and that the chair appoint a Resolutions Committee reasonably conversant with the major problems that should be considered by the group as a whole, later in the day."

Upon the motion being put same was carried unanimously.

Mr. MULFORD: "We will now hear from Mr. Pratt."

Mr. PRATT: "Our budget this year was for \$315,232, which included \$90,427, Clarke-McNary funds. When that budget was set up it showed that \$20,000 had been allowed for fire suppression. It was understood that \$20,000 would not put out the fires in California, so it was written into the budget that

'Should there be need for emergency fire protection, additional appropriations may be made from the emergency fund.'

I believe the amount we have drawn so far from this fund is \$118,000.

"When that budget went into effect the first of July, 1929, the first thing we did was to build up our protective organization. We increased

our field force from forty-nine (49) in 1928 to one hundred and four (104) in 1929. These men, however, were not all paid out of the state budget. We received cooperation from the General Land Office which had never cooperated with us previous to this time, and from the California Forest Protective Association which received Clarke-McNary money by reason of the efforts of the timbermen of California. Each of these agencies had fourteen (14) men in the field, who worked under the supervision of the Division of Forestry and who were located in counties in which there were large areas of public domain.

"Last season, for the first time, provision was made in the annual budget for motorized fire-fighting equipment. This equipment consisted of four (4) two-ton trucks, each truck carrying a water supply of two hundred and fifty-five (255) gallons in a specially constructed water tank and equipped with a high pressure fire pump. The initial cost of the trucks was \$4,200 each, or a total cost of \$16,800. The total operating cost was about \$5,000, making a total investment of \$21,800, from which a property saving of over \$400,000 was derived. It has been demonstrated that the idea of the trucks is sound and that we need more trucks. The budget this year will provide four more trucks.

"There has been money set up for the construction of lookouts, and lookout structures on Mt. Zion in Amador County, American Camp in Tuolumne County, and Copernicus Peak in Santa Clara County are now in process of construction.

"A new telephone line has been constructed which will connect Red Top Lookout with the Ranger Station at Madern, and another line is being built directly connecting Loma Prieta in Santa Clara County with the new ranger station on the main highway at Woodwardville.

"In addition to lookouts and telephone lines, the State Division of Forestry is also doing considerable firebreak work in Mendocino and Sonoma counties, much of this expenditure being made by local agencies. This is the first time that any constructive firebreak work has been done in northern California; whereas, such work is well established in southern California and has received aid from the state for a long period.

"The fire organization of the Division of Forestry centers around the various counties which have timber and watershed areas lying outside the boundaries of the national forests. At the present time there are about thirty agreements in effect under which the various counties contribute definite sums towards fire protection work, with the understanding that the state will assume this obligation and meet all expenses over those contributed by the county. In this way we have been able to extend our work over what it could have been extended had there only been available the amount set up in the budget. It is very evident to me, however, that the total funds that we have available from the state, from the government under the Clarke-McNary Act, from the counties, and from private sources is inadequate for the job that we have on hand. If this job is as important as we think it is, more sinews of war should be provided from some source in order that we may put some meat on the skeleton which we now have. This meat should consist of more rangers, more lookouts, more trucks, more telephone lines and more fire breaks."

Mr. Cecil, chairman of the committee appointed by Mr. Mulford at the morning session, brought in the following recommendations:

Mr. Cecil: "The committee met at 1.15 p.m. in the Governor's Council Chamber, and after some discussion of the five points, it was agreed among the members that the points be transposed as follows:

1. With whom should further work be carried on after today's meeting?
2. All forest and brush lands in the State of California shall be protected from fire to the best of our ability.
3. Fire prevention and suppression on the forest and brush lands outside of the national forests and national parks, shall be the prime duty of the State Division of Forestry.
4. Is it proper for the State Division of Forestry to continue to have control of grass and grain fires? Is that a proper part of the work of the State Board of Forestry?
5. How shall the money needed for this great plan be raised?

1. With whom should further work be carried on after today's meeting?

Mr. Cecil: "The committee feels that the State Board of Forestry should carry on the work; that it should be empowered to call together this group when it has a tentative plan to present; and that notices be sent to this group two weeks in advance of any date that may be set for calling this group together by the State Board of Forestry."

After discussion of recommendation No. 1, it was moved by Mr. Cattle, seconded by Mr. Modry and carried unanimously, that this recommendation be ratified.

2. All forest and brush lands in the State of California, shall be protected from fire to the best of our ability.

Mr. Cecil: "The committee feels that it shall be a prime duty of the State of California, to protect from uncontrolled fires, all forest and brush lands valuable for timber production and water conservation to the best of its ability; it being understood, however, that such policy shall not prevent the State Forester from issuing permits for burning at such times and in such places as he sees fit."

Discussion of recommendation No. 2, ensued, after which it was moved by Mr. Dunwoody, seconded by Mr. Gray and carried unanimously, that same be ratified.

3. Fire prevention and suppression on the forest and brush lands outside of the national forests and national parks, shall be the prime duty of the State Board of Forestry.

Mr. Cecil: "The committee feels that the word 'immediate' should be substituted for the word 'prime' in this recommendation."

After some discussion of recommendation No. 3, it was moved by Mr. Schofield, seconded by Mrs. Parsons and carried unanimously, that this recommendation as amended be ratified.

DR. BAYLIS: "The idea of forest protection in this state is not sold, and that is the reason you have not received more money."

Mr. MATHREWS: "I would like to make this suggestion: This is such a vital thing—such a tremendous thing—that I feel this meeting should resolve itself into some sort of an organization that will meet more or less frequently and over a period of time to the end that if it is necessary to introduce a bill into the legislature in connection with your deductions here today, you will have ample time in which to prepare it."

Mr. MULFORD: "Further questions about the state work will be answered at the afternoon session by State Forester Pratt and Director Stenot of the Department of Natural Resources. It is our desire that you as citizens come forward with something which you believe should be done. I realize that you can not arrive at a final conclusion today, but I think with Mr. Mathews that some definite recommendations should be made. In our further deliberations let us plan that as we can not finish the job today someone must 'carry on,' if it is your wish that the State Board of Forestry carry forward to completion the preliminary plans initiated at this meeting, we shall be glad to do so."

"I will now name the members of the committee:

George H. Cecil, Chairman; Mrs. C. E. Parsons, Dr. E. P. Meinecke, Dr. J. N. Baylis, Mr. Charles G. Dunwoody, Mr. W. R. Schofield, Mr. A. T. Spencer, Mr. S. M. Modry, Mr. Thomas Wieteman.

Mr. Mulford then suggested that the following points be considered:

1. All forest and brush lands in the State of California, valued for timber production and water conservation, shall be protected from fire to the best of our ability.
2. Fire prevention and suppression on the forests and brush lands outside of the national forests and national parks shall be the prime duty of the State Division of Forestry.
3. Is it proper for the State Division of Forestry to continue to have control of grass and grain fires? Is that a proper part of the work of the State Board of Forestry?
4. How shall the money needed for this great plan be raised?
5. With whom should further work be carried on after today's meeting?

The committee was instructed by Chairman Mulford to meet during the luncheon hour and draft a report of recommendations, for presentation at the 2.30 p.m. session which would be held in the Senate Chamber. He then called for nominations for a temporary chairman for the afternoon session.

The name of Dr. J. N. Baylis was offered in nomination, after which it was moved, seconded and carried that the nominations be closed, and Dr. Baylis was declared by the chair to be duly elected.

The meeting was then declared adjourned until 2.30 p.m. The afternoon session was called to order at 2.30 p.m. in the Senate Chamber of the State Capitol, with Dr. J. N. Baylis, presiding.

year and that most of them went there because of the trees, it is evident that people of this type are not going to tolerate anything in the way of incendiary fires or the like. If these people are all interested in the forests, they should be labeled as such.

In connection with this matter, Mr. Modry presented the following resolution and moved its adoption, seconded by Mr. Cecil:

Resolved, That this body goes on record as favoring the issuance of a fire protection button through the State Division of Forestry, same to be presented to all visitors into forest areas; the cost of the manufacture of which shall be defrayed by various bodies in the state who are interested; and that the State Board of Forestry be asked to investigate the feasibility of issuing and distributing such a button, and to report its findings at the next meeting of this group."

This motion was carried unanimously.

No further business appearing, on motion duly seconded and carried, the meeting was declared adjourned, to meet again at the call of the State Board of Forestry.

4. Is it proper for the State Division of Forestry to continue to have control of grass and grain fires? Is that a proper function of the State Board of Forestry?

Mr. Cecil: "The committee feels that it is proper for the State Division of Forestry to continue to have control of grass and grain fires occurring in areas adjacent to, or intermingled with forest or important brush-covered areas."

"The committee does not consider that the control of all grass and grain fires is a proper part of the duty of the State Board of Forestry, and recommends that as soon as practicable this function be shifted to Fire Protection Districts authorized by law, and that the State Board of Forestry continue the work of cooperation with these Fire Protection Districts."

After discussing recommendation No. 4, it was moved by Mr. Dunwoody, seconded by Mr. Modry, and carried unanimously, that this recommendation be ratified.

5. How shall the money needed for this great plan be raised?

Mr. Cecil: "It is the judgment of this group that the state has a definite obligation in the adequate protection of its watersheds, and that funds necessary to carry out a comprehensive plan of forest protection be raised by an annual progressive increase of \$200,000 net, until adequate protection is reached. These funds, if possible and preferably, to come from the general funds of the state; failing this, to be secured by legislative enactment."

Discussion of recommendation No. 5 ensued, after which it was moved by Dr. Meinicke, seconded by Mr. Modry and carried unanimously, that this recommendation be ratified.

Mr. Cecil then announced that the committee had taken it upon themselves to add two more recommendations to the list submitted by Mr. Mulford, as follows:

6. "It is the further judgment of this committee, that a plan of publicity be worked out and spread throughout the state; and that the state law be amended to permit the State Board of Forestry to spend money for educational publicity."

The adoption of this recommendation was moved by Mr. Cecil, seconded by Mr. Bigelow, and carried unanimously.

7. "Because of the interrelation between the water resources of the state and its forests and watersheds, the committee is convinced that the forestry profession, as well as the Director of the Department of Natural Resources, should be represented in all matters concerning a state water plan."

The adoption of this recommendation was moved by Mr. Cecil, seconded by Mr. Modry, and carried unanimously.

CHAIRMAN BAYLIS: "I have one more thought to offer before adjournment, and that is in connection with the suggestion made by the Governor at this morning's session, as regards the use of a button or pin for all those who visit the forest areas. When we realize that over two million people visited the San Bernardino National Forest area last

MEETING OF STATE BOARD OF FORESTRY, MARCH 15, 1980

A meeting of the State Board of Forestry was held in San Francisco on March 15, 1980, at which the following board members were present: Dr. Geo. C. Pardee, Chairman; Mr. Walter Mulford, Vice Chairman; Mr. Swift Berry, Mr. H. S. Gilman, Mr. D. Eynan Iluff, Mr. A. J. Mathews. Absent—Mr. W. O. Biasingame.

Mr. M. B. Pratt, Secretary of the State Board of Forestry and Mr. Fred G. Stevenot, Director of the State Department of Natural Resources, were present.

The resolutions that were adopted at the special meeting held in Sacramento on February 4th were considered, with the following result:

1. The committee feels that the State Board of Forestry should carry on the work; that it should be empowered to call together this group when it has a tentative plan to present; and that notices be sent to this group two weeks in advance of any date that may be set for calling the group together by the State Board of Forestry.

Action by the State Board of Forestry:

It was moved by Mr. Gilman, seconded by Mr. Mathews and carried unanimously:

“That the State Board of Forestry accepts the recommendation of the committee in connection with Resolution No. 1, and that when it has a financial program worked out it will submit same to the group for consideration, and will give the members of said group two weeks notice in writing.”

2. The committee feels that it shall be a prime duty of the State of California, to protect from uncontrolled fires, all forest and brush lands valuable for timber production and water conservation to the best of its ability; it being understood, however, that such policy shall not prevent the State Forester from issuing burning permits at such times and in such places as he sees fit.

Action by State Board of Forestry:

It was moved by Mr. Mulford, seconded by Mr. Iluff and carried unanimously:

“That the State Board of Forestry approves the recommendation of the committee in connection with Resolution No. 2.”

3. Fire prevention and suppression on the forest and brush lands outside of the national forests and national parks, shall be the immediate duty of the State Board of Forestry.

Action by State Board of Forestry:

It was moved by Mr. Gilman, seconded by Mr. Iluff and carried unanimously.

4. (a) The committee feels that it is proper for the State Division of Forestry to continue to have control of grass and grain fires occurring in areas adjacent to or intermingled with forests or important brush-covered areas.

(b) The committee does not consider the control of all grass and grain fires a proper part of the duty of the State Board of Forestry, and recommends that as soon as practicable this function be shifted to Fire Protection Districts authorized by law, and that the State Board of Forestry continue the work of cooperation with these Fire Protection Districts.

Action by State Board of Forestry:

It was moved by Mr. Mulford, seconded by Mr. Gilman and carried unanimously:

(a) “That the State Board of Forestry feels that it is proper for the State Division of Forestry to continue to have control of grass and grain fires occurring in areas adjacent to, or intermingled with forests, important brush-covered areas, or urban development.”

(b) “The cooperative prevention and suppression of other grass and grain fires is at present a proper part of the duty of the State Board of Forestry. However, as soon as practicable, this function should be assumed by Fire Protection Districts authorized by law.”

5. It is the judgment of this committee that the state has a definite obligation in the adequate protection of its watersheds, and that funds necessary to carry out a comprehensive plan of forest protection be raised by an annual progressive increase of \$200,000 net, until adequate protection is reached. These funds, if possible and preferably, to come from the general fund of the state; failing this, to be secured by legislative enactment.

Action by State Board of Forestry:

It was moved by Mr. Mulford, seconded by Mr. Mathews and carried unanimously:

“That the development of an effective forest fire prevention organization in California will require an annual outlay by the state government, exclusive of funds from federal and other sources of not less than eight hundred thousand dollars (\$800,000) per year. This sum constitutes a minimum base figure which later may need to be increased materially. --It is important that the present net available funds from the state should be increased by not less than one hundred thousand dollars (\$100,000) for forest fire prevention (exclusive of suppression) each year over the preceding year until the base of eight hundred thousand dollars (\$800,000) is reached. Inability to provide funds at this rate of

In order that the delegates who attended the Pobrurny 4th meeting might be made familiar with how this growth can be attained, the following statement is appended:

The net state budget for fire prevention purposes for the fiscal year 1930-1931 is approximately.....	\$177,000 00
Proposed budget for 1931-1932.....	277,000 00
Proposed budget for 1932-1933.....	377,000 00
Proposed budget for 1933-1934.....	477,000 00
Proposed budget for 1934-1935.....	577,000 00
Proposed budget for 1935-1936.....	677,000 00
Proposed budget for 1936-1937.....	800,000 00

6. It is also the judgment of this committee that a plan of publicity be worked up and spread throughout the state; and that the state law be amended to permit the State Board of Forestry to spend money for educational publicity.

Action by State Board of Forestry:

It was moved by Mr. Gilman, seconded by Mr. Huff and carried unanimously;

“That the State Board of Forestry approves Resolution No. 6 presented by the committee.”

7. Because of the interrelation between the water resources of the state and its forests and watersheds, the committee is convinced that the forestry profession, as well as the Director of the Department of Natural Resources, should be represented in all matters concerning a state water plan.

Action by State Board of Forestry:

It was moved by Mr. Mathews, seconded by Mr. Gilman and carried unanimously;

“That the State Board of Forestry approves Resolution No. 7 presented by the committee.”



Code of Good Forest Manners Can Curb Annual Fire Menace

THE CAMPAIGN against the annual forest fire menace is excellently laid out. The California State Automobile Association and the Automobile Club of Southern California have undertaken a course of public education, and the co-ordination of agencies, Federal, State and quasi-public, concerned with the prevention of forest fires. The work will be carried on by direct contact with the thousands of motorists touched by the two automobile associations, which between them span the State, by radio broadcasts, motion pictures, talks before service clubs and the distribution of literature to motorists and campers.

Simultaneously, the California Development Association announces the calling of a conference representing eleven States to support proposals for creating an adequate fire prevention system in all national parks.

Yet all the efforts of these agencies are ineffective without the co-operation of the individual motorist and camper. Preventable fires cause a major portion of the destruction. They are caused by the very people who enjoy the outdoors. Cigarette butts carelessly cast aside or

thrown from automobiles, campfires made improperly or left smoldering, matches dropped in the grass—these are the sources of the destruction that cause irreparable damage and costly fire fighting.

It seems rather absurd that people should have to be so urgently appealed to, to induce them to protect the means of their own enjoyment and recreation. But unfortunately there are a great many careless persons who require constant reminders.

The public cannot rely entirely upon the efforts of the agencies engaged in the work of education and enforcement. There must be co-operation by every individual, and the automobile associations stand ready to provide the fullest instruction in what is aptly called the "code of forest manners."

Perhaps when more people realize that the whole matter of forest fire prevention is just a matter of personal good manners there will be a reduction in the annual toll of damage resulting from carelessness. The campaign being launched deserves the fullest support and co-operation of every motorist and camper.

S.F. Chronicle

Drive Started to Curb Forest Fires

Saving California's forests from the ravages of fire, which annually devastate wide areas of the State's most valuable timber land, is the aim of a conference of more than 100 prominent citizens which will meet in Los Angeles Thursday and Friday under the chairmanship of E. W. Murphy, head of the California State Chamber of Commerce conservation committee. The group will gather in connection with the annual convention of the State chamber.

"More than 100,000 acres have been swept by 1168 fires this season," Murphy said yesterday. "More than 75 per cent of these blazes were caused by man and could have been prevented. We are asking every group in the State directly interested in our forests to meet with us in Los Angeles. The greatest battle before us is one of education. We aim to formulate plans that will help to make every man, woman and child in the State realize the value of our virgin timber."

TUESDAY, JUNE 25, 1929

Forest Fire Prevention Keynote of Convention



Walter Mulford and S. B. Show

Means of Saving Nation's Timber Land

With "prevention instead of suppression" as their rallying cry, approximately 100 delegates from eleven Western States assembled at the Hotel Whitcomb yesterday to discuss the forest fire problem and to organize concentrated and county-wide effort for the passage of the Englebright forest fire prevention bill by Congress next December.

With E. W. Murphy of Los Angeles, a director of the California Development Association, presiding as chairman, the conference heard speeches on the history and accomplishments of fire prevention work. The ravages that fires have made in this country's virgin forests and the reasons why more money should be appropriated for fire prevention.

ENGLEBRIGHT BILL INDORSED
A resolution indorsing the Englebright bill, copies of which will be sent to the President, the Secretary of Agriculture, Governors, Representatives and Senators of all States in which national forests are located, was unanimously passed by the conference.

In the keynote message, sent to the conference by Congressman Englebright, who could not be present, the author of the Englebright bill stated:

"The depletion of our forests and timber lands by fires is a direct menace to our national prosperity and even our national defense and security. The problem of perpetual fundamental importance. If our timber becomes exhausted there is no foreign country to which we can turn with certainty. Still our forests are disappearing at a rate that involves a most serious danger to our future prosperity, not because of

we permit too much timber to be destroyed by fire and other causes and grow too little.

FIRE TAKES HEAVY TOLL

"In the combined private and public forests of the United States at the present time there are only 2,200,000,000 board feet of all classes of timber left. We are drawing upon this supply through fire and use at the rate of 60,000,000 board feet a year. Eliminating the factor of increase by natural growth, at the present rate of consumption this figure is only sufficient to last thirty-six years. This condition in itself would not be a cause for alarm if it were not for the fact that increase by natural growth is only 15,000,000,000 board feet a year.

Englebright further described how in a scant century the original virgin forests of this country have almost disappeared and how the centers of lumber production have moved from the Northeast to the West, and now to the Pacific Northwest, which is the "last" stand.

EXPERTS ADDRESS GATHERING

Other speakers on the program yesterday included: Walter Mulford, head of the forest school of the University of California; S. B. Show, United States Forest Service, San Francisco; Roy Headley, assistant secretary of the Forest Service, Washington; Frederick J. Koster, vice-president of the California Development Association, San Francisco; Hugo Winkenwerder, college professor of forestry, Washington; R. Y. Stuart of the Forestry Service, and Speaker Edgar Levy of the California House of Repre-

Code of Good Forest Manners Can Curb Annual Fire Menace

THE CAMPAIGN against the annual forest fire menace is excellently laid out. The California State Automobile Association and the Automobile Club of Southern California have undertaken a course of public education, and the co-ordination of agencies, Federal, State and quasi-public, concerned with the prevention of forest fires. The work will be carried on by direct contact with the thousands of motorists touched by the two automobile associations, which between them span the State, by radio broadcasts, motion pictures, talks before service clubs and the distribution of literature to motorists and campers.

Simultaneously the California Development Association announces the calling of a conference representing eleven States to support proposals for creating an adequate fire prevention system in all national parks.

Yet all the efforts of these agencies are ineffective without the co-operation of the individual motorist and camper. Preventable fires were a major portion of the destruction. They are caused by the very people who enjoy the outdoors. Cigarettes carelessly cast aside or

thrown from automobiles, campfires made improperly or left smoldering, matches dropped on the grass—these are the sources of the destruction that cause irreparable damage and cost fire fighting.

It seems rather absurd that people should have to be so urgently appealed to, to induce them to neglect the means of their own enjoyment as recreation. But unfortunately there are a great many careless persons who require constant reminders.

The public cannot rely entirely upon the effort of the agencies engaged in the work of education and enforcement. There must be co-operation by every individual, and the automobile associations stand ready to provide the fullest instruction in what is aptly called the "code of forest manners."

Perhaps when more people realize that the whole matter of forest fire prevention is just a matter of personal good manners there will be a reduction in the annual toll of damage resulting from carelessness. The campaign being launched deserves the fullest support and co-operation of every motorist and camper.

6/24/29 P. 23

S.F. Chronicle

Drive Started to Curb Forest Fires

Saving California's forests from the ravages of fire, which annually devastate wide areas of the state's most valuable timber land, is the aim of a conference of more than 100 prominent citizens which will meet in Los Angeles Thursday and Friday under the chairmanship of F. W. Murphy, head of the California State Chamber of Commerce conservation committee. The group will gather in connection with the annual convention of the state chamber.

"More than 100,000 acres have been swept by forest fires this season," Murphy said yesterday. "More than 75 per cent of those fires were caused by man and could have been prevented. We are asking every group in the state directly interested in our forests to meet with us in Los Angeles. The greatest battle to be fought is one of education. We aim to formulate plans that will help to curb every man, woman and child in the state realize the value of our sandy timber

S.F. Chronicle P. 13

TUESDAY, JUNE 25, 1929

Forest Fire Prevention Keynote of Convention



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"The depletion of our forests and timber lands by fires is a direct menace to our national prosperity and even our national defense and security. The problem of perpetuating our wood supply is of greatest fundamental importance. If our timber becomes exhausted there is no foreign country to which we can turn with certainty. Still our forests are disappearing at a rate that involves a most serious danger to our future prosperity not because of the California House of Representatives."

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x forestry division
Gov's Address

Journal of the Assembly

DURING THE

FORTY-EIGHTH SESSION

OF THE

Legislature of the State of California

1929

FIRST PART BEGAN ON MONDAY, JANUARY SEVENTH, AND
ENDED FRIDAY, JANUARY EIGHTEENTH

SECOND PART BEGAN ON MONDAY, FEBRUARY EIGHTEENTH
AND ENDED FRIDAY, MAY FIFTEENTH

HON. EDGAR C. LEVEY, Speaker
ARTHUR A. OHNIMUS, Chief Clerk



CALIFORNIA STATE PRINTING OFFICE
CARROLL H. SMITH, State Printer
SACRAMENTO, 1929

67132

SENATE ROLL CALL.

The roll was called by Secretary Joseph A. Beek, and the following answered to their names:

- Senators Allen, Baker, Boggs, Bredt, Cuneen, Carter, Onassis, Cleveland, Cobb, Crowley, Duval, Edwards, Evans, Fellom, Garrison, Gray, Handy, Hurley, Jannu, Jones, Kay, Lyon, Maloney, McCormack, McKinley, Merriam, Mueller, Murphy, Nelson, Pedrotti, Rochester, Sinskey, Slater, Swing, Tubbs, Wagy, Weller, West, and Young—34.

The President of the Senate declared a quorum of the Senate present.

REGULAR ORDER OF BUSINESS.
COMMITTEE OF ESCORT.

The Joint Committee of Escort, consisting of Senators Bredt, Inman and Murphy and Assemblymen Williamson, Jones and Oritenden, to wait upon His Excellency Governor C. C. Young and inform him that the Joint Convention was now in session and to escort him to the convention, appeared at the bar of the House and announced the presence of His Excellency C. C. Young, Governor of the State of California.

PRESENTATION OF GOVERNOR C. C. YOUNG.

Hon. H. L. Carnahan, President of the Senate, presented Governor C. C. Young to the Joint Assembly. The Governor then delivered his first biennial message as follows:

FIRST BIENNIAL MESSAGE OF GOVERNOR C. C. YOUNG.

EXECUTIVE DEPARTMENT,
January 7, 1929.

To the Senate and Assembly of the State of California.

In article V of the State constitution, relating to the Executive Department, sixteen of the twenty sections were copied verbatim from the old constitution of 1849. Among these is section 10, requiring of the Governor that "in shall communicate, by message to the Legislature at every session, the condition of the State, and recommend such matters as he shall deem expedient."

Thus we see that the Governor's biennial message, which I am here transmitting, is as old as is the history of California. In this message I shall try to put into words that which has proven to be the spirit of the present day in California government. In this there is no thought of glorifying the policies of any individual or group, but rather the thought is to interpret the progressive spirit of our people in terms of the activities of government.

CONSTRUCTIVE LONG-TERM PLANNING.

Briefly, the present period of our governmental history is marked by long-time planning of public policies. We can no longer be satisfied to legislate and govern for the current biennium alone. We have to estimate the development which will take place in our State during the next generation, and provide for it by legislation in advance, means that the government will soon be out of step with the progress of industry and labor and commerce. The progressive achievements of the past twenty years will not be sufficient for the changing needs of the twenty years ahead.

It is happily our privilege, yours and mine, to be the agents of the people during this period, when they are surveying the needs for constructive progress in the years to come, and preparing to enter upon the approaching new cycle of progressive development. It is our duty to be the agents of the people, to take stock of the present, and to plan for a future befitting the manifest ultimate destiny of our State. To provide the opportunity for the scanning of future needs, careful foundations have been laid during the two years. The surplus in the general fund has been built up nearly to \$10,000,000 and is pending to the State. This makes possible an almost \$50,000,000 at the end of the present biennium. Our Controller will account to the Legislature for the maintenance of this fund as an example.

In harmony with this fact our State Tax Commission report will undoubtedly be framed, not in terms of revenue needs of today, but in terms of equitable taxation for years to come. Our constitutional budget requirement lays the foundation of long-time planning. We are satisfied with the old idea of structure building made of annual institutions as

groups of them, for a single biennium, we have made a scientific study of the housing requirements of State hospitals, homes, correctional schools, prisons, special schools and teachers colleges, so that we can report with reasonable accuracy the budgeting needs for these institutions as well as to their growth. Study has been given the change.

Our highway program has been intelligently planned. The Department of Construction in an entirely new way is already paying great dividends. The Department of Finance advises me that the long-time program, announced on the "pay-as-you-go" method, produces a saving of \$24,000,000 on the expenditures of the next biennium alone, compared with the old bond issue method.

Nor have we been satisfied with looking forward in material things alone. The demands of society, that we turn our attention to the great questions which affect us from the humanitarian as well as from an economic standpoint, have been met by the long-time planning of the Commission on Problem Children, the Child Commission and the Commission on Institution for Women Offenders.

STUDY OF CONSTITUTION AND CHARTERS.

Our State constitution is described by students of government as one of the worst in form in the Union—because of its total lack of comprehensive planning, and the necessity of constant changes based on immediate expediency. If we are to treat fairly the California of tomorrow we must cease tampering with one section after another, and seriously study our constitution as a whole in the light of the new conditions that exist and are facing us. In line with this policy I shall ask your consideration for a measure providing for a far-sighted study of our need for constitutional revision.

In this connection I would direct your attention to the need for a plan of county government more responsive to the people than is provided by the general provisions of the State constitution. It is not conducive to the best in government that the Legislature should determine salaries of county officers and their deputies, and even the number of deputies a county officer shall have. In practice, this results in the legislative delegation from each county deciding these matters. While it is now possible for each county to frame and adopt a county charter, covering these and other matters, it is seldom done. Local home rule in county affairs should be more easily obtainable. It is therefore my intention to recommend to you a plan for the study of the modernizing of our general system of county government, to the end that the people of each county may enjoy a large measure of local control over local government, and be able more readily to bring their respective counties into line with the changing needs of each.

Communicating to you "the condition of the State" as required of me by the constitution, I shall set forth some of the accomplishments, policies, and ideals of the past two years, particularly those which bear upon this task of long-time planning for the future: in legislation, finance, construction, education, and the general welfare of our people.

SMALLEST PERCENTAGE INCREASE IN BUDGET HISTORY.

Among the tasks which have engaged us since your last regular session have been the making of another budget, the study of California's tax problems, and the departmentalizing of our various governmental activities. The budget, like that of two years ago, will show every dollar of State expenditures, whether paid out directly by the State itself or indirectly through the agency of the counties. For the sake of convenience our two major systems, education and highways, have been segregated, thus permitting special study of these two items. All this will be presented to you in a separate budget message. Incidentally, aside from the fixed charges and unchangeable expenditures of education and highways, the percentage of increase in this biennium over the last is considerably less than the percentage of population increase during the same period, and is probably the smallest in the history of the State.

The study of our tax problem has occupied us for the past year. A special report of the commission on the subject of bank taxation was transmitted to you at your special session on the fourth of last September, and the constitutional amendment you proposed on that session was two months later overwhelmingly ratified by the voters of the State. A more extended general report on the whole tax problem may be expected shortly, and will be promptly submitted for your consideration.

The departmentalizing of the State's activities has greatly aided in the economical and efficient conduct of the State's business. It has made possible splendid progress in our highway program, in the growth of our institutions, in the creation of a system of State parks, in helping to solve our industrial problems, in bringing about individual economies and avoiding useless duplication of effort. All these will be treated under their appropriate departments in subsequent pages of this report. However, before taking up these matters connected with the administrative branch of the government, I should like to say something relative to those governmental functions known as legislative and judicial.

were held under State supervision, which were attended by 3,108,702 people and produced total gate receipts of \$2,041,410.70.

Veterans' Home Building Program. Under the law the commissioner's receipts must be expended only for the maintenance of veterans' homes. The Veterans' Home near Yountville is the only such home in California at present. As has been said above, in addition to \$80,000 out of the general fund, \$170,000 has been appropriated out of the Athletic Commission fund for new construction at Yountville. Under the ten-year building program contemplated by the Department of Finance, in agreement with the directors of the Veterans' Home, all of the present buildings will eventually be replaced, and additional barracks and other buildings will be provided.

Why Included With Veterans' Affairs. Although much of the Athletic Commission's activities are not directly connected with veterans' affairs, the fact that the commission has been endowed by the veterans and was brought into being largely through their activity, coupled with the fact that posts of the American Legion sponsoring boxing contests are exempt from the 5 per cent tax, would seem to make this connection a very appropriate one. The chief reason, however, why this commission forms necessarily a part of veterans' affairs is the law already referred to, which devotes the entire net receipts of the commission to maintenance of veterans' homes.

DEPARTMENT OF NATURAL RESOURCES.

The Department of Natural Resources, in the same indication, has to do with those resources which formed the native wealth of California ages before the coming of its present population. This department brought together five of the agencies for development of these native resources of our State, and has enabled them to function in five divisions, as follows: Division of Mines and Mining, Division of Petroleum and Gas, Division of Fish and Game, Division of Forestry and Division of Public.

DIVISION OF MINES AND MINING.

Mining Came First. Mining is California's oldest industry and long antedated agriculture in importance. Though the early days of gold have long since passed, the State still has a very considerable mining industry, amounting to more than \$100,000,000 per year in metallic and nonmetallic production. These figures can undoubtedly be increased and production stabilized if plans of the department are carried out in providing for a comprehensive geological survey, to be completed over a period of years. Progress has already been made in bringing to near completion the first stages of the survey of the commercial mineral resources of the State, and in the publication of the resultant reports. The general routine work of the Division of Mining Survey Merrett in Division. The general routine work of the Division of Mines and Mining has been carried on directly, independently, independently, and assistance as needed in other elements of the mining industry. The State Mining Bureau, now merged in this division, has long rendered valuable services to State and national mining interests, and recognition among the mining men of the world. The California State Mining Bureau has served as a pattern for the establishment of similar agencies in various states of the Union.

DIVISION OF PETROLEUM AND GAS.

New Work Entered Upon. This is the newest division of this department, and concerns what is both one of the newest and one of the largest of California's industries. The production of petroleum, petroleum products, and natural gas amounts in value to more than \$280,000,000 a year. During the last few years the industry has been immensely stimulated by the discovery of deeper oil sands and the discovery of new oil-producing areas.

Move to Reduce Wastage. The bringing in of these new wells has caused a great wastage of natural gas, and a year ago a committee was appointed, headed by the Director of the Department of Natural Resources, to confer with leading operators of the oil industry with a view to reducing wastage as much as possible. As a result of our recommendations field committees were formed of production superintendents and engineers to study the problem as it applied to each particular field. Although the results have been far from satisfactory, owing to the rapid development of the industry and the large number of new wells, at the same time there has been a gratifying response on the part of the operators, all of whom evidently realize the economic loss through a production of oil in excess of market needs and industrial requirements, and especially through the loss of gas which, when once blown off into the air, can never be recovered.

Methods of Conservation. Through the efforts of this conservation committee some gas has been shut in, some has been restored to depleted zones underground, there to remain for future use, and some has gone to the suppressing of producing oil sands, thus increasing the ultimate recovery of oil. There has also been a considerable extension of service of natural gas for domestic and industrial uses. The latest development of this nature is the investment of millions of dollars in the laying of a gas-carrying pipe line, connecting the Ventura and Fresno Counties

gas producing areas with the metropolitan centers around San Francisco Bay. The methods of dealing with the gas surplus problem have met with approval both from the oil operators and from the public, and should be encouraged. The experience gained and the results attained under the conservative management of oil and gas producing operations in a given field under the direction and management of those who have been given the suggestion that local taxation be given to this procedure. Everyone would certainly agree that this enormous natural resource should be conserved as efficiently as possible, in order that it may serve to the utmost the State's development.

DIVISION OF FISH AND GAME.

Much to Us. The importance of the work carried on by the Division of Fish and Game, in the Department of Natural Resources, can not be overestimated. It provides for the enforcement of all laws relating to fish and game in the interest of preservation and conservation. It undertakes the dissemination of information regarding our fish and game in all parts of the State by the press, public schools, and public gatherings. It secures and permits the taking of outstanding representative species of fish and game for public purposes, such as exhibits to be displayed at the State Fair and other suitable occasions.

Would Better Fish Plucking. It undertakes the impregnation of fish and is making a study to learn how and when fish may be plucked in 12 egg-taking stations, the most beneficial results. It is operating 26 hatcheries and 12 egg-taking stations, and provides for a full year's closing of certain streams throughout the State, to provide a better opportunity for restocking such streams.

Protective Work. The division is provided with bureaus of research, education, hygiene, and other lesser agencies to enable it to carry out its many activities. In addition to fish culture, in the fish rescue work it has salvaged almost a million fish, which would otherwise have perished, returning them to waters suitable for their needs. It is also providing the public against bacterial in canned fishery products. The patrol force of this division consists of 152 regular deputies and 800 special deputies in addition to the commercial fisheries patrol.

Other Helpful Activities. In its game activities it supervises and set aside for game refuges, and under authority of a recent legislative act, through a Game Refuge and Public Shooting Grounds Committee, has proceeded to survey and classify lands suitable for the conservation of game. It also carries on operations in an effort to reduce the losses of game through predatory animals, and it maintains a game farm where pheasants and other game birds may be reared, to be turned loose in suitable localities.

Statistical Work Done. The work of the division in compiling statistical records showing the number of deer annually killed in the State, as well as the number and value of fur-bearing animals trapped for commercial purposes, will prove of great value in supplying necessary statistics in the interest of wild life. I think it is safe to say that our fish and game activities have never been in better hands, and that they have the cordial endorsement of all the sportsmen of the State.

DIVISION OF FORESTRY.

An Efficient Board. Progress has been made in the interest of forestry during the present biennium, particularly in the selection of an exceedingly efficient Board of Forestry, headed by former Governor George C. Payne. There is being rapidly built up a strong fire prevention and supervision organization, and cooperation has been effected with many agencies in forest protection work.

First State Forest. There has been exchanged nearly 5000 acres of scattered parcels of State lands within national forests in California for a compact body of land standing timber in the vicinity of Lassen National Park, thus establishing California's first State forest. Other forests will be purchased as a result of the State Park Act, and all these must be carefully protected, as well as the vast areas of privately owned forest lands.

Forest Protection First Duty. It is self-evident that nothing can be more important than the protection of our forests from fire, partly for their intrinsic value, but also because of their value as watersheds in ensuring water to sink into the ground to replenish our underground water resources, instead of wasting itself in winter freshets, as is the case when these watersheds are bare. California was fortunate in the matter of forest fires in 1927, but correspondingly unfortunate in 1928. For this reason there is being recommended a very substantial increase in the forestry budget—a larger percentage of increase than for any other one activity.

Progress Expected. As a result of this larger measure of support, it is believed that the coming biennium will witness marked progress in forest conservation, with much needed extension and enlargement of our field organization, personnel, and untrained equipment. Meanwhile there must be education, and still more education, of the public which goes into our forest during the dry hunting, fishing, and campfire season, to bring about a proper reorganization of the vital responsibility for the protection of this great natural heritage.

DIVISION OF PARKS.

Legislation for Parks. The people of California have for a number of years enjoyed the possession of a few beautiful State parks. The rapid growth and development of our State has threatened to drive into private exploitation, just as has been done in the case of our beaches during the past few years, other attractive spots which should be saved for the people. To prevent this possibility was the purpose of very important legislation enacted at last session. By this legislation a State Division of Parks and State Park Commission were created, a State-wide survey was authorized, looking to the classification of such areas in all portions of the State as are suitable for park purposes; and finally a bond issue of \$5,000,000 was proposed, to be spent for parks, when matched, dollar for dollar, with an equal sum from private sources.

Report of Park Survey. This bond proposition was adopted at the last election by an overwhelming vote. The park survey authorized by the Legislature was carried out by the commission through a survey entrusted to that well known and preeminently qualified authority, Frederick Law Olmsted, who has within the past few days submitted to the Park Commission a most excellent report, dealing with fundamentals involving in general State park selections and policies. Features of the report. This report presents most graphically to the people of California a complete pictorial analysis of those things deemed necessary and worthy of being preserved as State parks. The report will also be a valuable guide in directing the work of the State Park Commission in carrying out the desire of our people, to the end that we secure for ourselves and our posterity a comprehensive State park system worthy of California. In the report there is addressed the national value of our ocean beaches, particularly as to their proximity to the large centers of population in the south and along the ocean shore north of San Francisco. It deals also with the preservation of outstanding examples of our redwood groves, Sierran forests and desert oases.

Examination of Yosemite Park Sites. Three hundred twenty-three proposed projects were inspected and classified by Mr. Olmsted and his staff. Approximately one-half of the above number was eliminated as being unsuitable for inclusion in a State park system. Valuable assistance is being rendered by advisory committees in contributing valuable knowledge as to the merits of local projects. The outstanding character and ability presented by the membership of the State Park Commission insures the carrying out of the State park program and the expenditure of the six million dollar bond money in a thoroughly business-like manner.

CRIMINOLOGY.

One of the very important duties of any State is a proper treatment of the crime problem. As regards this subject, in my inaugural address two years ago I spoke as follows: "The spread of organized crime throughout the United States has become a very real problem. This has become the bane of the professional criminal, who has in cold blood organized the business of preying upon society. The effective way to reduce the numbers of these professional criminals is to make it clear to them that their chances of escaping the penalty of the law are too remote; that the risks are so great the crime business doesn't pay. If the criminal or potential criminal is to be deterred and that it will be permanent. A conviction for potential criminal will be certain and that it will be permanent. A wise coordination of the agencies of crime detection and prevention, coupled with carefully considered reforms of our obsolete criminal procedure, should effect a prompt reduction in the amount of crime in California."

Appointment of Crime Commission. Having had legislative session a great deal was done in the way of speeding up criminal procedure through the passage of a considerable number of laws to that end. A crime commission was also authorized, which should make a study of the underlying causes of crime, as well as suggest methods leading toward its prevention and cure. The report of the commission which will be discussed in another part of this message, is a very interesting one; and I am of the opinion that its work might well be continued through a permanent Division of Criminology, for the purpose of conducting a continuous study of this very important problem.

Suggestions for Department. I am of the belief that such a Division of Criminology, together with the very splendid board which has charge of our prisons, a special board dealing with some phases of the women's prison problem, the Advisory Board, the Bureau of Criminal Identification, and the division dealing with the criminal aspects of the narcotic situation, might well operate as one of our regular departments of government. I feel that coordination of effort along these lines may very readily put California to the forefront in this vitally important work.

THE STATE PRISONS.

Policy in Prison Administration. The policy of the State Board of Prison Directors, both in the general administration of the two State prisons and in its individual relationships to prisoners, has been inspired by certain very definite prin-

responsible for prison administration that the chief problem of the prison is to train prisoners for decent living, to teach them to respect and obey lawful authority, to reduce the number of "repeaters" in crime, to prevent as far as it is possible no to the conversion of the first offender into a hardened criminal.

Efforts to Help Prisoners. It accordingly has been the endeavor of those in charge of the prisons to treat and train those who have come under their charge in such a manner that they may leave the prison better than when they entered. To this end particular attention has been paid to physical welfare, mental advancement, and employment, in the hope that those who offended when ill, idle or ignorant might, when corrected, again become useful members of society.

Prison Population. During the past two years the number of prisoners in California's two State prisons has increased from 5243 to 12277, an increase of 4834. This population (December 31, 1928) was distributed as follows: San Quentin 4634; Folsom, 2143. The prison population in the largest of the State prisons, San Quentin and Folsom penitentiaries. It tells its own story of the overcrowded condition of the two prisons. Present facilities are inadequate to house this great number of prisoners, despite the additional housing space provided during the past biennium by the Women's Building and the "West Wing" cell house at San Quentin. Some relief will come by the "East Wing" cell house, containing 670 cells, which will be ready for occupancy by January 16, 1929. The housing production a new cell house. This new cell house will relieve temporarily the overcrowded cell conditions existing at that prison.

Youthful Offenders. An analysis of the population of the two prisons shows that the number of youthful offenders has greatly increased. Notwithstanding the crowded condition at San Quentin prison, where first offenders are confined, every effort is being made toward segregation of these youthful offenders in the hope of their betterment upon release.

PAROLE AND PRISON CARES.

Paroles Show Improvement. Both the parole system and the indeterminate sentence law have proved their beneficial worth. A policy of combining firmness with fairness in the administration of the parole law and in the administration of prison affairs generally is reflected in the number of paroles granted in the past two years. Thus on December 31, 1928, there were 1060 prisoners on parole from San Quentin and 247 paroled from Folsom. On December 31, 1928, despite the larger prison population, there were fewer unexpired paroles than twenty-three months previously, the figures being 1479 for San Quentin and 251 for Folsom. To express this by percentages figures, while the prison population increased by 128 per cent, the number of paroles granted decreased by .044 per cent. Since our California parole law was enacted 20 years ago, over 10,000, or 82 per cent, of the prisoners thus released have been re-arrested on a large scale, normal life.

Parolees Re-arrested. On December 31, 1928, the number of parolees assigned to the State highway work from San Quentin prison was 157. On December 31, 1928, the number of prisoners from San Quentin assigned in State highway work was 581. From Folsom comparative figures for the same dates were 16 and 2. The assignment of parolees to the highway has been a great aid to San Quentin in relieving the overcrowded housing condition. To house these prisoners in the penitentiary would require an investment of \$300,000 on the part of the State. The State has also been freed of the cost of sustaining these men during their prison life. On the basis of an average annual maintenance of 670 prisoners, it is estimated that this means an annual saving of \$150,000 to the State. The prisoners have been helped in the opportunity given them to work in the outdoors and to earn compensation for themselves and their dependents. These highway camps have proved a great benefit to the prisoners. It is to be hoped that the number of these camps may be increased, and particularly that a highway camp may soon be established containing such prisoners from Folsom as may prove worthy of highway assignment. In the selection of prisoners for road camp work, great care has been exercised in order that prison camps may have the least possible percentage of violations. This extreme care will be exercised in future assignments as it has in the past.

PRISON EMPLOYMENT RESULTS.

Prison Employment. The lack of real industrial occupation is a serious problem in both prisons. At San Quentin prison, the chief industry is the furniture and at Folsom quarrying and rock crushing. At Folsom, training opportunities with diversified crops has been of material aid both in supplying farm products and garden truck for that institution. The June mill account is of particular interest. On December 31, 1928, the June revolving fund had been reduced to \$20,000. On December 1, 1928, it had been restored to its full capacity of \$200,000 and in addition the general fund was also benefited in the sum of \$53,000 during the same period. The value and usefulness of the June mill will be greatly increased through improvements about to be made. Sales of furniture at San Quentin for 1925, 1927 and 1928 show the following figures: 1925, \$38,100.80; 1927, \$52,472.19; 1928 (up to December 31), \$51,721.70. At Folsom a modern rock crushing plant was installed during the

to the Department of Industrial Relations the duties of the State Fire Marshal in connection with the licensing and diving establishments; and various other bills such as may be needed to complete the reorganization program of the State.

CONCLUSION.

In concluding this message I trust I may be pardoned for describing it as a somewhat comprehensive survey of the "condition of the State," for "many" reasons the message is lengthy. The agency of the Governor's Council has made it possible for me before you, much more comprehensively than before, the status of governmental activities. The faithful adherence to the constitutional provisions regarding the budget has given us a foundation for a financial survey of the State which will be, I believe, very valuable to all of us.

Aside from these considerations may I express again my conviction that the dominant public policy in the minds of all the people at this time is one of long-time planning. The facts and conditions reported to you in this message are data upon which plans will be laid by you and by those who will follow you, for the progressive development of our State through many years to come. A careful analysis of true conditions is somewhat tedious to write as well as read, but such a careful analysis guarantees that our progress shall be sane and constant rather than spasmodic.

We are enjoying in California the privileges and blessings of a government which is in the enjoyment of an era of progressivism that had its beginning twenty years ago. By marshaling of facts, by an analysis of needs, and by surveys of our resources, we have before us an opportunity to launch a program of constructive progress which, without regard to persons or parties, will induce the history of California for a generation to come.

Respectfully submitted.

January 7, 1929.

ADJOURNMENT.

There being no further business, at two o'clock and twenty minutes p.m., on motion of Senator Slater, the President of the Senate declared the Joint Convention adjourned sine die.

IN ASSEMBLY.

At two o'clock and twenty-five minutes p.m., the Assembly reconvened. Speaker Levey in the chair.

ANNOUNCEMENT.

The Speaker announced that, owing to illness, Assemblyman Roscoe J. Anderson of the Third Assembly District would be unable to attend the session for a few days.

GUESTS ADMITTED TO FLOOR OF ASSEMBLY.

Through the courtesy of Mr. Fry, Mrs. Edgar C. Levey, wife of Speaker Edgar C. Levey, and Mrs. T. Levey, mother of Speaker Edgar C. Levey, were extended the privilege of the floor of the Assembly for this day, and their names ordered printed in the Journal.

Through the courtesy of Mr. Fry, Mr. and Mrs. Morris Levey of San Francisco were extended the privilege of the floor of the Assembly for this day, and their names ordered printed in the Journal.

Through the courtesy of Mr. Sewell, Mrs. J. M. Paige, Mr. Hugh Thatcher and Mr. C. B. Afterbaugh of Pomona were extended the privilege of the floor of the Assembly for this day, and their names ordered printed in the Journal.

Through the courtesy of Mr. Gilmore, Mr. and Mrs. Arthur H. Ringholm, Mr. and Mrs. Chas. W. Greer, Mr. Wm. R. Markt and Mr. Ed. F. Ford of San Francisco were extended the privilege of the floor of the Assembly for this day, and their names ordered printed in the Journal.

and more limited offenses. Still another member introduced sessions of the National Crime Commission and the criminal law section of the American Bar Association. Everything thus treated, both inside the State and from our own officials, has been carried, summarized and recorded.

The commission will recommend to the Legislature a limited number of bills, probably not more than twenty in number. They have avoided mere changes in code procedure, desiring that these were either covered at last session or may be cared for through rules promulgated by the Judicial Council. They have also avoided nothing to the number of statutory changes, but have submitted all their proposals and suggestions to these ends: Is this legislation likely to prevent or reduce crime? Will it make crime more difficult to commit, and the consequences of crime more difficult to ensure? Will it help our penal institutions to cure crime rather than breed it? The importance of this problem is so great that I earnestly recommend to you every effort toward its solution.

STATE AID AND PENSION COMMISSIONS.

Special Investigations. Three investigations initiated by the Legislature in 1927 deal with the teachers' retirement salary fund, pensions for State employees, and the problem of aid for the needy aged. The three investigations have some common characteristics, chiefly the scientific dissection of the future probable habits of the State and the need of solid financial foundations. They further reflect the basic idea I have ever kept in mind for the future as well as for today.

Teachers' Retirement Fund. This study is being conducted by a special commission created by act of the Legislature. This commission advises me that their report will set forth the basis of a sound, permanent system and indicate the steps which would accomplish the revision of the present plan. We have had sufficient experience, both in California and elsewhere, upon which to plan soundly for a teachers' retirement salary system. Our own California experiment has been valuable. It does not now fully meet the need; the amount of retirement salary is too small, and it does not provide assurance of permanent sufficiency of contributions. Under these circumstances I feel that the study made at your direction should be given wide publicity and that any changes necessary should be made with the hearty concurrence of all those interested, including the teachers and school administrators.

Pensions for State Employees. This subject has, I believe, in some form been brought before every legislative session in the past twenty years. The first definite action was the measure adopted in 1927 authorizing a study. The report of the special commission will be presented to you within a few days. I understand that it will recommend a plan to provide retirement salaries or pensions, based on contributions by the employees and the State.

Fundamental Requirements. In our common desire to make just and proper provision for employees who have served long and faithfully, and our desire to have our teachers' retirement system comply with modern standards, we should, I believe, proceed as promptly as possible in conformity with these fundamental requirements:

1. Financial soundness.

A constitutional soundness, involving if necessary an amendment to be adopted by the people.

2. Constitutional soundness.

A constitutional soundness, involving if necessary an amendment to be adopted by the people.

State Aid for Needy Aged. This problem is reported upon by the Department of Social Welfare as directed by your act in 1927. California has a splendid record of services with State aid for old people. I trust you will give most sympathetic consideration to the extension of State aid, in cooperation with the counties, for the indigent need, and the necessary constitutional and financial provisions to put it into effect.

SUGGESTED DEPARTMENTAL REORGANIZATION.

Reorganization Bills. As discussed elsewhere in this message, bills will be introduced for the creation of new departments and for the reorganization of existing departments in certain major details. These bills will provide for the creation of a Department of Investment Regulation to include the activities relating to the regulation of bank insurance companies, real estate brokers, building and loan associations and corporations; the creation of a Department of Vocational Standards to include the boards of Accountancy, Architecture, Dental Examiners, Embroiders, Barber Examiners, Cosmetology, Medical Examiners, Optometry, Pharmacy, Pilot Commission, Veterinary Medical Examiners and the Detective License Bureau of the Board of Public Health; and the Bureau of Registration of Nurses of the Department of Public Health; the creation of a Department of Military and Veterans' Affairs to include the Adjutant General, Veterans' Welfare Board, Women's Relief Corps Home and Veterans' Home of California; the possible creation of a Department of Penology, to maintain contact between the prisons, the proposed woman's penal institution, the Bureau of Criminal Identification, the Attorney General's Board, and the Division of Narcotic Control; the transfer of the State Agricultural Society and the various district agricultural associations, the Civil Service Commission and the Surveyor General to the Department of Finance; the transfer from the Department of Finance to the Department of Public Works the activities relating to the Division of Motor Vehicles; the creation of a new Board of Agriculture as an independent board in the Division of Land and Water.

x forestry division, Governor
address

Journal of the Senate

DURING THE

FORTY-NINTH SESSION

OF THE

Legislature of the State of California

1931

FIRST PART BEGAN ON MONDAY, JANUARY FIFTH, AND
ENDED FRIDAY, JANUARY TWENTY-THIRD

COND PART BEGAN ON TUESDAY, FEBRUARY TWENTY-FOURTH
AND ENDED FRIDAY, MAY FIFTEENTH

TUTENANT GOVERNOR FRANK F. MERRIAM, President of the Senate
JOSEPH A. BEEK, Secretary



CALIFORNIA STATE PRINTING OFFICE
HARRY HAMMOND, STATE PRINTER
SACRAMENTO, 1931

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The roll was called, and the appointment confirmed by the following vote:

- Ayes—Senators Allen, Baker, Bredt, Bush, Carter, Cassidy, Christian, Cleveland, Daniel, Duval, Edwards, Evans, Fellows, Harper, Hays, Ingels, Inman, Maloney, McCormack, McKinley, Miller, Moran, Nelson, Pedrotti, Reich, Riley, Sebastian, Shupey, Slater, Swing, Williams, and Young—29.
- Nays—None.

RESOLUTION.

The following resolution was offered:
By Senator Swing:

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants for the said amounts, and the Treasurer is hereby directed to pay the same:

Names	Per Annum
Phyllis M. Everson, stenographer	\$5 00
Blanche Hayward, stenographer	5 00
Dorothy F. Hunt, 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 Allen, Baker, Bredt, Bush, Carter, Cassidy, Christian, Daniel, Duval, Evans, Harper, Hays, Ingels, Inman, Maloney, McCormack, McKinley, Miller, Moran, Nelson, Pedrotti, Reich, Sebastian, Sharkey, Slater, Swing, Wess, Williams, and Young—20.
- Nays—None.

SPEECH BY EX-GOVERNOR GILBERT.

Senator Nelson called the attention of the Senate to the presence of ex-Governor Gillett in the Senate Chamber and to the fact that thirty-four years ago Governor Gillett was sworn in as a member of the Senate from Humboldt County. He spoke briefly of the service to the State of Governor Gillett as State Senator, Governor, and member of Congress.
President Carnahan called upon ex-Governor Gillett, who delivered a brief address to the Senate.

REPORT OF SPECIAL COMMITTEE.

The following special committee report was received and read:

Mr. INVESTIGATOR: Your special committee appointed to notify the Assembly of the organization of the Senate and that the Senate is now ready to receive any communication the Assembly may have to make, respectfully reports that it has communicated with the Assembly as directed.

DEWEIA,
MILKREIN,
HARTER,
Committee.

PRIVILEGE OF FLOOR OF SENATE EXTENDED.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mayor Neek and Mrs. Neek of San Rafael.

On request of Senator Christian, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jerry De Con, mayor of San Francisco, and Mrs. De Con.

MESSAGES FROM THE GOVERNOR.

The following message from the Governor was received and read:

To the Senate and Assembly of the State of California.
EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

I am submitting herewith copies of my Second Biennial Message as provided in section 10, article V of the State constitution. If any member of either house desires additional copies of this message I trust that he will inform this office.

Yours very respectfully,

C. C. YOUNG, Governor.

January 5, 1931.

Also:

The following message was received and ordered printed in the Journal:

FOREWORD.

In presenting this lengthy message to the Legislature, I am not so sanguine as to believe that my reader will at any one time have the patience to labor through it in its entirety. I have felt, however, that it may be of interest to picture in considerable detail the present status of California State government in all its phases. By the aid of the table of contents and the index it will not be difficult, I hope, to learn just how far we have progressed at the present date in solving the multitude of problems which are before us. We have taken this task very seriously these past four years, and I believe our look back on many accomplishments which have been won will be.

What we have done, however, means little unless we have left our work in such condition that it can be taken up and improved upon by those who follow us. Government is a living, growing thing, and it is my sincere wish that the administration which is just beginning may achieve a governmental record better than any which has gone before.

Those of us who are today handing our work over to our successors have desired to leave behind a handbook which may aid them in their future endeavors. The preparation of this message has meant a month of very busy work, but if it may prove of any assistance either to the Legislature or to the various departments in the administration of the incoming Governor, that month will not have been spent in vain.

January 5, 1931.

C. C. YOUNG, Governor.

SECOND BIENNIAL MESSAGE

OF
GOVERNOR C. C. YOUNG

EXECUTIVE DEPARTMENT, January 5, 1931.

To the Senate and Assembly of the State of California.
In my message which I submitted to you two years ago, I called attention to the fact that the provision for a Governor's message to the Legislature is as old as the history of California; since section 10 of article V, where this provision is made, appears not only in our present State constitution, but is copied verbatim from the same section and article in the original constitution of 1849. In that section it is required that the Governor "shall communicate, by message to the Legislature at every session, the condition of the State, and recommend such matters as he shall deem expedient."

PURPOSE OF EXECUTIVE MESSAGE.

There are two executive messages which are always submitted to a Legislature at the beginning of its regular session. One is this biennial message to which I have just referred; the other is the budget message containing recommendations as to State expenditures for the ensuing biennial period. Whenever there is a change in the State administration, this latter message is, by section 34, article IV of the constitution, committed to the incoming Governor; and properly so for the reason that all these expenditures will be made during his term of office, and he alone should therefore have the privilege and responsibility of determining the amounts to be allotted to various departments, institutions, and other governmental agencies. However, the biennial Governor, because he is now submitting, has always been the task of the outgoing Governor, but also to outline "the condition of the State," as he binds the reins of government over to his successor.
In this message I shall devote most of my attention to that portion of the consti-

clearing house for information and guidance, and plans for the best possible organization for relief are now in the possession of officials all over the State.

Possibly the best service that can be given the people of the State will come from the committee's recommendations dealing with the future. Preparation is advisable for the dark days that may come again. The problems of manufacturing, distribution and consumption must not be overlooked. We can well learn from other and older countries. Some form of employment insurance may prove worth while. Our two State employment agencies, in conjunction with federal agencies, should give more help. Legislation, carefully prepared, should forecast plans that look due consideration. In a word, California should immediately make as thorough a study of this problem as to prepare us in the future for whatever emergency may arise.

THE LEGISLATIVE BRANCH OF GOVERNMENT.

The service which my Governor can render to his State is largely determined by the legislative sessions during his term of office. Perhaps no Governor has ever had greater reason than I to appreciate the cooperation of the Legislature. Your record of the past two sessions has been a very splendid one, and has undoubtedly furnished more in the way of constructive legislation than has marked any like period of time within the last dozen years. Indeed, for its equal in worth, while accomplishment I can compare it only with the memorable sessions of 1911 and 1913. This record is one which I am proud to share; and I wish at this time to tender you my sincere thanks for your constant and generous cooperation.

NOTABLE LEGISLATIVE ACCOMPLISHMENTS.

I feel justified in directing attention to some of the more important steps in the interest of our State and its government which have been taken during these four years. I believe that all who have examined these accomplishments will agree that they are of a fundamental and lasting character. Although I am naturally pleased that they have come within our present administration, nevertheless they are not the accomplishments of an administration alone, but are rather the joint endeavor of both the legislative and executive branches of our government. An experience of eighteen years in legislative work, with fourteen years of that time spent as presiding officer of and at the other of your two houses, has probably enabled me to understand your problems better and to appreciate your work more keenly than I could have done had this privilege not been mine. From your achievements there I have been Governor, I have at random selected three above, the more mention of which will indicate the lasting and constructive nature of what has been accomplished during the past four years.

GOVERNMENTAL.

1. Reorganization of State government into thirteen departments.
2. Work systemized through creation of Governor's Council.
3. Adoption of first general executive budget.
4. First steps toward modernizing State tax system.
5. Reorganizing of aqueduct and necessary general fund surplus.
6. Changing constitutional warrant for retirement salaries.
7. Attachment of judicial council to superior court procedure.
8. Creation of judicial council to simplify court procedure.
9. Establishment of a self-governing bar for legal profession.
10. Provision for perpetuating of legislative measures.
11. Lower State contribution to salaries of superior judges.
12. Establishment of commission for revising constitution.
13. Provision for study of county home care.
14. Movement toward complete codification of laws.
15. Adoption of modern and satisfactory school code.
16. Creation of commission to study educational problems.

DEVELOPMENTAL.

18. Comprehensive long-time plan for State building needs.
19. Resumption of highway construction through gas tax.
20. Insistence on budgeting all highway expenditures.
21. Jointing new State highways to budget recommendations.
22. Special aid furnished to county routes of smaller counties.
23. Insistence that toll bridges shall be public property.
24. Definite plans adopted for San Francisco Bay bridge.
25. Protecting home builders through contractors' license law.
26. State-owned buildings provided for all State agencies.
27. Proposal of bond issue for developing State harbor.
28. Veterans' welfare bond issue authorized to the voters.
29. Provision made for acquiring a State park system.
30. California's rights protected in Colorado River supply.
31. Provision for formation of Metropolitan Water District.

33. Bond fundation held for State water development.
34. Responsibility established for State supervision of dams.
35. Provisions made for speeding State building construction.
36. Construction of modern ship-side cold storage terminal.
37. Division of mines reorganized as aid to mining industry.

MISCELLANEOUS.

38. Prompt and economical suppression of foot and mouth disease.
39. Window up affairs of unworkable land settlement attempt.
40. Creation of efficient advisory State Board of Agriculture.
41. Aid to farmers through liquidating reclamation debts.
42. Various quarantine provisions for protection of agriculture.
43. Provisions for eradication of bovine tuberculosis.
44. Modernization of plants for various State institutions.
45. Intermediate prison established for young first offenders.
46. Establishment of new penal institution for the insane.
47. Creation of new State Hospital for the insane.
48. Revision and building of State Nervotic Hospital.
49. Adoption of eight-hour day in State institutions.
50. Legislation for adequately supervising probation and parole.
51. Adoption of State aid program for the needy aged.
52. Similar provisions adopted for aiding needy blind.
53. Pullet program of vice labor legislation in many years.
54. Layser and promoter communication to those injured in industry.
55. Aid given to traveling public through new highway patrol.
56. Privileges made for rehabilitation of crippled children.
57. Greatly increased appropriations for preventing forest fires.
58. Approval given to every measure of veterans' legislation.
59. Aid to disaster provided through State Emergency Council.
60. Establishment of much-needed State Nautical School.

A considerable number of these measures are discussed with more or less detail in other portions of this message. Because of this, and because many of you as legislators became familiar with them when they were before you, I feel that there is little need to enlarge upon them here. Practically all those I have named were sponsored by the present administration and many were initiated as major administration policies; but, as I have already said, they would never have come to fruition, had it not been for the generous cooperation of both houses of the Legislature.

THREE IMPORTANT DEPARTURES.

Aside from the legislation which has been fully treated elsewhere in these pages, I might mention just a few of the achievements of the last two years in which I take occasional pride, owing to the fact that they were accomplished in the face of vigorous opposition. An instance of this in the ship-side refrigeration terminal, which a season's use has demonstrated to be almost ideal in every respect. It was insisted by many that no such cold storage plant should be established except upon one certain piece of property for which the owners were asking an excessive price, and which would have required millions of dollars for development. Instead of plugging the taxpayers into this extravagance, we built a plant in a substantial concrete building already belonging to the State, which has proved so well located and so satisfactory that at times last season it was filled to capacity, and which can be doubled in size for next season at a comparatively small expense.

I might also mention the establishment of a traffic patrol, which at my insistence was placed under civil service, so that the traffic officers are assured of continuous employment during good behavior. I believe that every motorist on our highways during the past year has been impressed with the work these men are doing. It was urged upon them from the very first that they had been placed upon the highways to be of service to the comfort and safety of the traveling public; that 85 per cent of those who use our roads are fine, upstanding citizens, careful, competent, and respectful of the rights of others; that all danger lies in the remaining 15 per cent; and that traffic officers who are constantly on the alert can materially lessen this danger, and at the same time find opportunity for courtesy and helpfulness to the vast majority who are careful to observe the "rules of the road."

There is one more now governmental activity to which I should like to call attention. I refer to the supervision of dams on the part of the State, which is designed to prevent any such disaster as the failure of the St. Francis Dam, which destroyed a vast amount of property and took a toll of more than four hundred lives some two or three years ago. This new activity of the Department of Public Works had scarcely commenced to function before it was called upon to examine the San Gabriel Dam, in which Los Angeles County had already spent several millions of dollars, but which was at once shown to be on so insecure a foundation that public safety demanded a discontinuance of the work. It is a great tribute to those in charge of this supervision that neither in the case of the San Gabriel Dam nor in any other of the many examined, has there been the slightest tendency to disagree with the

DEPARTMENT OF NAVAL RESOURCES.

Director, U.S. Fish and Game Service.

The Department of Natural Resources has to do with the elemental resources of the State. The purpose of the department is primarily one of conservation. Interests as it is in the development of enterprises dependent upon the State's natural wealth, the greatest service this department can render to the people of California is such as will preserve to industry those things on which our State's industrial future is built. The guarding against waste of our mineral wealth, particularly the State's oil and gas resources, the protection of forests and watershed over and over again of our recreational areas, combined with the protecting and propagating of the State's wild life and the dissemination of information and knowledge of general interest concerning these resources, represent the most important activities carried on by this department through its five divisions, which are as follows: Division of Fish and Game, Division of Forestry, Division of Mines, Division of Parks, and Division of Petroleum and Gas.

DIVISION OF FISH AND GAME.

Duties.

The Division of Fish and Game is charged with the enforcement of fish and game laws; the operation of fish hatcheries and the proper stocking of our waters; the operation of game farms and the distribution of game birds from the farms; the purchase and management of game refuges; the supervision of our important commercial fisheries; and the scientific investigation of all problems pertaining to the conservation, propagation and perpetuation of our fish and game. The policies of this important State activity are promulgated by the Fish and Game Commission, and during the past biennium this body has established an enviable record in the protection of the wild life of California.

Self-supporting.

The work of the division is carried on entirely from the revenue derived from the sale of fishing, hunting and trapping licenses; revenue from the commercial fishing industry; and fines imposed by courts for the violation of fish and game laws. No appropriations are made from other State funds to support the work of this division.

Commercial Fisheries.

In 1929 the commercial catch of fish in California exceeded that of any other state, amounting to 850,000,000 pounds. The division placed in commission a new 80-foot patrol boat during the past year to assist in this industry. The Bureau of Commercial Fisheries also maintains a well equipped laboratory for scientific investigation, and for the collection and dissemination of statistics. The organization of this bureau has served as a model for many other states.

Game Birds and Fish.

During the biennium nearly 80,000,000 trout and salmon have been hatched and planted for the Bureau of Fish Culture. Thirty the same period 15,000 pheasants were reared and planted and 6000 eggs distributed for hatching. Hungarian partridges, wild turkeys and other game birds were also reared and distributed. Stuffed birds have been planted in Salton Sea, and important work has been done in the same line and trans-planting of spring tamed fishes by the Bureau of Fish Reserve. A 800-acre game refuge for migratory waterfowl has been purchased and developed, with the help of the Game Refuge and Public Shooting Grounds Committee, and the preliminary work necessary to secure other areas has been completed. There have become more abundant as the result of the protection given these animals by restrictive legislation and by the creation of game sanctuaries.

Work Organized.

The work of the division is well organized into bureaus, that of patrol being the largest of the group, having 120 regular deputies in the field, and the assistance of 800 volunteers. Other important work is carried on by the Bureau of Education and Inspection, Hygiene and Licenses. The division maintains an annual exhibit at the State Fair, appealing in an interesting and colorful manner some of the attractive features of California's outdoor life.

Mutual Help Received.

The division is especially fortunate in having available the facilities and personnel of the University of California, the Hooper Foundation for Medical Research, Leland Stanford Junior University, the Hopkins Marine Station, the State Board of Health, the Federal Bureau of Fisheries, and other State and Federal agencies. The division contributes to and shares in the benefits of these institutions.

DIVISION OF FORESTRY.

Forestry Policy.

An effective forestry policy is essential to the general welfare of California. The State Board of Forestry through the Division of Forestry, has expanded

tion, which has contributed largely to the successful results attained in fire suppression during the past fire season. The continued expansion of this important service should go hand in hand with the growth and development of the State, particularly in view of the increasing prominence given to our State water conservation program, recreational needs, and the value of our timber resources.

Fire Protection Progress.

During the present biennium the field force of the State Division of Forestry has increased nearly fourfold, due to the interest in forest protection taken by the State and Federal governments as well as county and private agencies. Fire fighting facilities have been greatly improved through the construction of nine fire fighting trucks, by means of which many fires have been checked, which otherwise would have burned over vast areas of timber and watered. Increased detection has been made possible through the erection of four additional lookouts, and better communication has been afforded through the construction of telephone lines leading directly to the proper headquarters. Suitable offices have been provided for most of the inspectors and rangers, and their supplies of fire fighting equipment have been greatly augmented.

Hazard Reduction.

The reduction of fire hazards along State highways by the State Division of Highways in cooperation with the State forest rangers, has resulted in the elimination of most of the roadside fires. In this connection the Division of Motor Vehicles has been especially helpful in the enforcement of the State law as regards the throwing of burning tobacco from motor vehicles. Much remains to be done, however, in reducing the fire hazards along county roads. State rangers have been active in several counties in burning strips along such roads and in encouraging landowners to play fire games inside their fences. The burning of slashings resulting from logging and other wood operations has become a fixed policy, and State rangers accomplish much in the way of hazard reduction at a time when weather conditions make it possible to keep the fire under control.

Firebreaks.

The firebreak systems on the watersheds of southern California towards which the State has been contributing for a number of years, have been intensively extended and improved during the past two years. In northern California extensive firebreaks were constructed last winter in Mendocino, Sonoma and Marin counties. This work marks the beginning of systematic firebreak construction in the northern part of the State. It is planned to continue it until all of the timber and watershed areas outside the national forests are gridded with firebreaks. When this is done the problem of fire control will be much simplified, due to the added accessibility to fire lighters.

Fire Prevention Education.

During 1930, in cooperation with the Extension Service of the University of California, 125 fire prevention demonstrations were given throughout the State. These demonstrations have led to a decided increase in rural fire protection since they stimulated the purchase of fire fighting trucks, such as are used by the State, by various small towns and communities. Education in fire prevention has made rapid strides in recent years, inasmuch as many organizations are cooperating with the State and Federal foresters in causing the people to become "fire-conscious."

Acquisition of Delinquent Timber Lands.

The last Legislature passed an act whereby the State can acquire by purchase areas of cut-over timber lands the taxes of which have become delinquent. Steps are now being taken to acquire areas of this kind for State forests.

Season's Fire Record.

The gradual building up of the protection force and the use of motorized equipment are having a decided effect in cutting down fire losses. The fire season of 1930 was one of the best the State has ever experienced, due in part to favorable weather conditions, but largely to the effective fire organization supported by the State.

DIVISION OF MINES.

State Mining Board.

By legislative enactment in 1929, the name of this division was made the "Division of Mines", and a "State Mining Board" was created, consisting of five members appointed by the Governor, to determine "general policies for the guidance of the division."

General Duties.

The division, aside from its general mining work, has through the years been helpful to the mining industry and particularly to prospectors, small operators, and mine owners not possessing the necessary facilities to cope with their many problems.

Mineral Production.

Mining represents a large portion of the State's productive wealth. Compilation

Recommendation.

In order to establish the administration of the act on a more uniform basis, it is recommended that the act be so amended as to clarify certain points which have frequently required the services of the Attorney General's office for interpretation.

STATE AID TO THE BLIND.

In 1928 three State departments, namely, Education, Institutions, and Social Welfare, were authorized by the Governor to investigate the condition of the needy blind in California and to make such recommendations as they felt they should make. Upon investigation it was found that the program under which the State was operating was some forty years old, and did not adequately meet the needs of the blind in this rapidly growing State. The survey brought out the fact that the majority of needy blind are more anxious to help themselves than to accept aid from any source, and they themselves asked for workshops or industrial schools where they could be trained in occupations suitable to the blind. As a result, a very splendid workshop and schoolroom has been established by the Department of Institutions in Los Angeles, and a schoolroom has been established in connection with the Industrial Home for the Adult Blind in Oakland.

Aid Authorized by Legislature.

In 1927 a constitutional amendment was voted on by the people, permitting the Legislature to grant State aid to the needy blind living outside of State or county institutions. In 1929 the Legislature passed an act which fixed \$25 as the maximum amount that can be legally granted by the State to a needy blind person, provided the county grants an equal amount. The amount granted in each case is based entirely upon the applicant's need, and this procedure is identical with that of granting State aid to the needy aged. The survey showed that the maximum number of applicants for aid would be close to 2000, and only 1435 have applied up to December 1, 1930. Of this number 1224 applications have received final action.

Aid Varies With Age of Applicant.

A study of our group of applicants shows that the largest number have become blind in later life; 68.35 per cent are sixty years of age or over. Our duty to this group is to see that they receive adequate care in comfortable surroundings. Of the younger group of blind coming to the attention of the State department, not only is provision made for care, but every effort is also made to place them in touch with opportunities leading to self-support or partial self-support. After training is received, this group in most cases will need assistance while becoming established as self-supporting members of society, and it is the aim of the department to step in and provide this assistance without which the training in many instances would fall far short of its purpose. Experimentally today, through medical science and legislation designed to prevent employment against industrial hazards, great reduction is being made in the prevalence of this handicap. We may all look forward to the day when the number of blind will be very materially lessened. In the meantime the State of California is making an outstanding effort to care for its needy blind.

RAISED STANDARDS IN COUNTY HOSPITALS.

Scope of County Hospital Service.

The largest unit of public welfare service in California, both in amount of public expenditures and number of persons affected, is the county hospitals. In the past year over 150,000 persons received care in county hospitals, in addition to thousands of outpatients attending the clinics, and the total expenditure for county hospitals was over \$10,000,000. Aside from the State subsidy for the care of the tubercular, these expenditures represent county funds.

Relation of Department to County Hospitals.

The supervision and inspection of county hospitals is a duty of the Department of Social Welfare, since over 95 per cent of the costs are paid from tax funds and constitute the outstanding public charity of the State. This department, being a lay department, has not concerned itself with the medical aspects of the hospitals, but only with the matters which relate to the service of the hospitals as public charities.

Uniformity Helped.

With the vast differences in size of our counties, the hospitals vary correspondingly. Some of our larger hospitals rank with the best in the country, and in some certain problems, however, affect all the hospitals, and the establishment of standards and the adoption of policies will help all the hospitals to meet the needs of communities which they desire to serve. For this purpose the department has taken steps to assist the hospitals by organizing committees which will serve as a central clearing house of information and will bring together the superintendents for consideration of their problems.

CONCLUSION.

In concluding this message I would call your attention to what I said in the beginning, that it attempts rather fully to follow the constitutional mandate that the Governor "shall communicate, by message to the Legislature at every session, the condition of the State, and recommend such matters as he may deem appropriate." Through constant touch with our State departments, as month by month they have reported their activities to the Governor's Council, I have been privileged to gain a very complete and exhaustive knowledge of California's governmental activities. This has been of immense value to me, and I have thought it wise to hand down in this message a somewhat complete report of these activities.

To indicate the continuity of the policies underlying State government, I think I can not do better than quote two paragraphs from my message of two years ago: "May I again express my conviction that the dominant public policy in the minds of all the people at this time is one of long-time planning? The facts and conditions reported to you in this biennial message are data upon which plans will be laid by you and by those who will follow you, for the progressive development of our State through many years to come. A careful analysis of true conditions is somewhat tedious to write as well as read, but such a careful analysis guarantees that our progress shall be sure and consistent rather than spasmodic."

We are enjoying in California the privileges and blessings of a government which is the outgrowth of an era of progressivism that had its beginning twenty years ago. By a marshaling of facts, by an analysis of needs, and by surveys of our resources, we have before us an opportunity to launch a program of constructive progress which, without regard to persons or politics, will influence the history of California for a generation to come.

And may the time has come to say good-bye to those who have so generously aided me in all my endeavors in behalf of the State. Whatever measure of success my administration may have had has been made possible through the cooperation of those friends and friends of good government in California. I can think of no better wish for my successor than to trust that the men and women who shall serve in his administration will be as loyal and faithful and hard-working as those who have been with me during the past four years.

Respectfully submitted.

January 5, 1931.

Also:

C. C. YOUNG, Governor.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

I am submitting herewith copies of my message regarding acts of executive delinquency during the years 1929 and 1930, in accordance with the provisions of article VII, of the State constitution, and section 1419 of the Penal Code.

Yours very respectfully,

January 5, 1931.

C. C. YOUNG, Governor.

MESSAGE OF GOVERNOR C. C. YOUNG REGARDING ACTS OF EXECUTIVE DELINQUENCY DURING THE YEARS 1929 AND 1930.

EXECUTIVE DEPARTMENT, January 5, 1931.

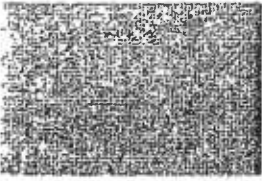
Executive Department, California.

I enclose herewith the provisions of Article VII of the State constitution, and of section 1419 of the Penal Code, I am hereby communicating to you each case of executive delinquency or pardon issued by me since my previous report two years ago. In this I am complying with the mandate of the constitution by "stating the name of the convict, the crime for which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same."

In order that the record may show all the facts in each case, as well as any reasons for exercising executive clemency thereto, in issuing each order I made a very detailed statement of the case; and for those who are interested in any particular case, I am transmitting the entire text of each executive order as an appendix to this communication.

NUMBER OF INDIVIDUALS RECEIVING EXECUTIVE CLEMENCY.

I have exercised executive clemency in the cases of eighteen individuals during the past two years. There have been but two pardons from prison; but these cases involved, first, three individuals who were participants in a proceeding which apparently involved military identity, and second, two others who were convicted on testimony later discredited. In addition to these, nine individuals have been



LEGISLATIVE INTENT SERVICE, INC.

712 Main Street, Suite 200, Woodland, CA 95695
(800) 666-1917 • Fax (530) 668-5866 • www.legintent.com

DECLARATION OF DOROTHY H. THOMSON

I, Dorothy H. Thomson, declare:

I am an attorney licensed to practice in California, State Bar #099566, and a Director of the Legislative Intent Service, Inc., a company specializing in researching the history and intent of legislation.


Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain all documents relevant to the enactment of Assembly Bill 1874 of 1953. Assembly Bill 1874 was approved by the Legislature and was enacted as Chapter 48 of the Statutes of 1953.

The following list identifies all documents obtained by the staff of Legislative Intent Service, Inc. on Assembly Bill 1874 of 1953. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. All documents gathered by Legislative Intent Service, Inc. and all copies forwarded with this Declaration are true and correct copies of the originals located by Legislative Intent Service, Inc. In compiling this collection, the staff of Legislative Intent Service, Inc. operated under directions to locate and obtain all available material on the bill.

ASSEMBLY BILL 1874 OF 1953:

1. All versions of Assembly Bill 1874 (McFall-1953);
2. Procedural history of Assembly Bill 1874 from the 1953 Assembly Final History;
3. Excerpt regarding Assembly Bill 1874 from the 1953 Legislative Digest, prepared by Legislative Counsel;
4. Excerpt regarding Assembly Bill 1874 from the 1953 Summary Digest of Statutes Enacted, prepared by Legislative Counsel;
5. Excerpt regarding Assembly member John J. McFall from the 1953 "Legislative Handbook";
6. Post-enrollment documents regarding Assembly Bill 1874.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 5th day of September, 2008 at Woodland, California.



DOROTHY H. THOMSON

ASSEMBLY BILL

No. 1874

Introduced by Mr. McFall

(Classification by California Code Commission)

January 15, 1953

REFERRED TO COMMITTEE ON PUBLIC HEALTH

An act to codify Chapter 790 of the Statutes of 1951 and Chapter 273 of the Statutes of 1935, relating to fire protection, by adding Sections 13007, 13008, 13009, 13010, and 13052.5 to the Health and Safety Code, and repealing Chapter 790 of the Statutes of 1951 and Chapter 273 of the Statutes of 1935.

The people of the State of California do enact as follows:

- 1 Section 1. Section 13007 is added to the Health and Safety
- 2 Code, to read:
- 3 13007. Any person who personally or through another wil-
- 4 fully, negligently, or in violation of law, sets fire to, allows fire
- 5 to be set to, or allows a fire kindled or attended by him to escape
- 6 to, the property of another, whether privately or publicly owned,
- 7 is liable to the owner of such property for any damages to the
- 8 property caused by the fire.
- 9 Sec. 2. Section 13008 is added to said code, to read:
- 10 13008. Any person who allows any fire burning upon his
- 11 property to escape to the property of another, whether privately
- 12 or publicly owned, without exercising due diligence to control
- 13 such fire, is liable to the owner of such property for the damages
- 14 to the property caused by the fire.
- 15 Sec. 3. Section 13009 is added to said code, to read:
- 16 13009. The expenses of fighting any fires mentioned in Sec-
- 17 tions 13007 and 13008 are a charge against any person made
- 18 liable by those sections for damages caused by such fires. Such
- 19 charge shall constitute a debt of such person, and is collectible
- 20 by the person, or by the Federal, State, County, or Municipal

1 Sec. 4. Section 13010 is added to said code, to read:
2 13010. Sections 13007, 13008, and 13009 of this code do not
3 apply to nor affect any rights, duties, or causes of action in
4 existence and accruing prior to August 14, 1931.

5 Sec. 5. Section 13052.5 is added to said code, to read:
6 13052.5. The governing board of any county fire protection
7 district may contract with any city contiguous to the district
8 for the furnishing of fire protection to the district by such city,
9 and the legislative body of any city may contract for the fur-
10 nishing of fire protection to the district in such manner and to
11 such extent as the legislative body may deem advisable.

12 All of the privileges and immunities from liability which sur-
13 round the activities of any city fire fighting force or department
14 when performing its functions within the territorial limits of
15 the city shall apply to the activities of any city fire fighting
16 force or department while furnishing fire protection outside
17 the city under any contract with a county fire protection dis-
18 trict pursuant to this section.

19 Sec. 5. Chapter 790 of the Statutes of 1931 and Chapter
20 273 of the Statutes of 1935 are repealed.

Assembly Bill No. 1874

Passed the Assembly March 6, 1953

Chief Clerk of the Assembly

Passed the Senate March 23, 1953

Secretary of the Senate

This bill was received by the Governor this

day of _____, 1953, at _____ o'clock _____ M.

Private Secretary of the Governor

Assembly Bill No. 1874

Passed the Assembly March 6, 1953

Chief Clerk of the Assembly

Passed the Senate March 28, 1953

Secretary of the Senate

This bill was received by the Governor this _____

day of _____, 1953, at _____ o'clock _____ M.

Private Secretary of the Governor

CHAPTER

An act to codify Chapter 790 of the Statutes of 1931 and Chapter 273 of the Statutes of 1935, relating to fire protection, by adding Sections 13007, 13008, 13010, 13010, and 13052.5 to the Health and Safety Code, and repealing Chapter 790 of the Statutes of 1931 and Chapter 273 of the Statutes of 1935.

The people of the State of California do enact as follows:

SECTION 1. Section 13007 is added to the Health and Safety Code, to read:

13007. Any person who personally or through another willfully, negligently, or in violation of law, sets fire to, allows fire to be set to, or allows a fire kindled or attended by him to escape to, the property of another, whether privately or publicly owned, is liable to the owner of such property for any damages to the property caused by the fire.

SEC. 2. Section 13008 is added to said code, to read:

13008. Any person who allows any fire burning upon his property to escape to the property of another, whether privately or publicly owned, without exercising due diligence to control such fire, is liable to the owner of such property for the damages to the property caused by the fire.

SEC. 3. Section 13009 is added to said code, to read:

13009. The expenses of fighting any fires mentioned in Sections 13007 and 13008 are a charge against any person made liable by those sections for damages caused by such fires. Such charge shall constitute a debt of such person, and is collectible by the person, or by the federal, state, county, or private agency, incurring such expenses in the same manner as in the case of an obligation under a contract, expressed or implied.

SEC. 4. Section 13010 is added to said code, to read:

13010. Sections 13007, 13008, and 13009 of this code do not apply to nor affect any rights, duties, or causes of action in existence and accruing prior to August 14, 1931.

SEC. 5. Section 13052.5 is added to said code, to read:

13052.5. The governing board of any county fire protection district may contract with any city contiguous to the district for the furnishing of fire protection to the district by such city, and the legislative body of any city may contract for the furnishing of fire protection to the district in such manner and to such extent as the legislative body may deem advisable.

All of the privileges and immunities from liability which surround the activities of any city fire fighting force or department when performing its functions within the territorial limits of

Fire or department while furnishing fire protection outside the city under any contract with a county fire protection district pursuant to this section.

Sec. 5. Chapter 790 of the Statutes of 1981 and Chapter 273 of the Statutes of 1935 are repealed.

Speaker of the Assembly

President of the Senate

Approved -----, 1968

v

Governor

An act to codify Chapter 790 of the Statutes of 1931 and Chapter 373 of the Statutes of 1935, relating to fire protection, by adding Sections 13007, 13008, 13009, 13010, and 13052.5 to the Health and Safety Code, and repealing Chapter 790 of the Statutes of 1931 and Chapter 373 of the Statutes of 1935.

In effect September 1, 1953

Approved by Governor April 1, 1953, filed with Secretary of State April 2, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 13007 is added to the Health and Safety Code, to read:
13007. Any person who personally or through another willfully, negligently, or in violation of law, sets fire to, allows fire to be set to, or allows a fire kindled or attended by him to escape to, the property of another, whether privately or publicly owned, is liable to the owner of such property for any damages to the property caused by the fire.

Sec. 2. Section 13008 is added to said code, to read:
13008. Any person who allows any fire burning upon his property to escape to the property of another, whether privately or publicly owned, without exercising due diligence to control such fire, is liable to the owner of such property for the damages to the property caused by the fire.

Sec. 3. Section 13009 is added to said code, to read:
13009. The expenses of fighting any fires mentioned in Sections 13007 and 13008 are a charge against any person made liable by those sections for damages caused by such fires. Such charge shall constitute a debt of such person, and is collectible by the person, or by the federal, state, county, or private agency, incurring such expenses in the same manner as in the case of an obligation under a contract, expressed or implied.

Sec. 4. Section 13010 is added to said code, to read:
13010. Sections 13007, 13008, and 13009 of this code do not apply to nor affect any rights, duties, or causes of action in existence and accruing prior to August 14, 1931.

Sec. 5. Section 13052.5 is added to said code, to read:
13052.5. The governing board of any county fire protection district may contract with any city contiguous to the district for the furnishing of fire protection to the district by such city, and the legislative body of any city may contract for the furnishing of fire protection to the district in such manner and to such extent as the legislative body may deem advisable.

All of the privileges and immunities from liability which surround the activities of any city fire fighting force or department when performing its functions within the territorial limits of the city shall apply to the activities of any city fire fighting force or department while furnishing fire protection outside the city under any contract with a county fire protection district entered into in this section.

An act to codify Chapter 290, Statutes of 1909, relating to warehouse receipts, by adding Article 3B, comprising Sections 1858.01 to 1858.05, inclusive, to Chapter 2, Title 3, Part 4, Division 3 of the Civil Code, and by repealing Chapter 290 of the Statutes of 1909.

Approved by Governor April 1, 1953, filed with Secretary of State April 2, 1953

In effect September 1, 1953

The people of the State of California do enact as follows:

SECTION 1. Article 3B, comprising Sections 1858.01 to 1858.05, inclusive, is added to Chapter 2, Title 3, Part 4, Division 3 of the Civil Code, to read:

Article 3B. Warehouse Receipts Act

1858.01. This article may be cited as the Warehouse Receipts Act.

1858.02. The provisions of this article do not apply to receipts made and delivered prior to March 19, 1909.

1858.03. This article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

1858.04. (1) In this article, unless the context or subject matter otherwise requires—

“Delivery” includes counterclaim, setoff, and suit in equity.

“Fungible goods” means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

“Goods” means animate or inanimate chattels or merchandise in storage or in the custody of a warehouseman, or which has been or is about to be stored or deposited in the custody of a warehouseman.

“Holder” of a receipt means a person who has both actual possession of such receipt and a right of property therein.

“Order” means an order by endorsement on the receipt.

“Owner” does not include mortgagee or pledgee.

“Person” includes a corporation or partnership of two or more persons having a joint or common interest.

To “purchase” includes to take as mortgagee or as pledgee.

“Purchaser” includes mortgagee and pledgee.

“Receipt” means a warehouse receipt.

“Value” is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not constitutes value where a receipt is taken either in satisfaction thereof or as security therefor.

LIS - 1c

Section of Statutes amended: in Act of August 14, 1951

Fire Insurance Code amended

Receipts and Warehouse Receipts Act amended

CALIFORNIA LEGISLATURE

AT SACRAMENTO

1953

ASSEMBLY FINAL HISTORY

SYNOPSIS OF
ASSEMBLY BILLS, CONSTITUTIONAL AMENDMENTS, CONCURRENT AND
JOINT RESOLUTIONS AND HOUSE RESOLUTIONS

1953 REGULAR SESSION

DURATION OF SESSION

FIRST HALF—BEGAN MONDAY, JANUARY 5, AND ADJOURNED
SATURDAY, JANUARY 17, 1953

SECOND HALF (AFTER CONSTITUTIONAL RECESS)—BEGAN TUESDAY, FEBRUARY 24,
AND ADJOURNED SINE DIE WEDNESDAY, JUNE 10, 1953

Legislative Days (Days Assembly Was in Session).....	91 days
Length of Session Excluding Constitutional Recess.....	120 days
Calendar Days (January 5 to June 10, 1953).....	157 days
Period of Constitutional Recess.....	37 days

Last Day for Signing Bills by Governor, July 15, 1953

Last Day for Filing Referendum, September 8, 1953

All Bills Approved by the Governor, Unless Otherwise Specifically Provided
for in the Bill, Become Effective September 9, 1953

HON. JAMES W. SILLIMAN
Speaker of the Assembly

HON. THOMAS A. MALONEY
Speaker Pro Tempore of the Assembly

ARTHUR A. OHNIMUS
Chief Clerk

ETHEL E. BROCKELBANK
History Clerk

21A—L-1608

LIS - 2

1872—McFall (Codification by California Code Commission), Jan. 15.
To Com. on Pub. H.

An act to codify Chapter 1 of the Statutes of 1938 and Chapter 362 of the Statutes of 1939, relating to housing authorities, by adding Chapter 1.5 to Part 2 of Division 24 of the Health and Safety Code, and by adding Sections 94369, 94370, and 94371 thereto, and repealing Chapter 1 of the Statutes of 1938 and Chapter 362 of the Statutes of 1939.

Jan. 15—Read first time. To print.
Jan. 21—From printer. To committee.
Mar. 5—From committee: Do pass.
Mar. 6—Read second time. To engrossment.
Mar. 9—Reported correctly engrossed.
Mar. 10—Read third time, passed, title approved. To Senate.
Mar. 11—In Senate. Read first time. To Com. on Pub. H. & S.
Mar. 19—From committee: Do pass.
Mar. 20—Read second time.
Mar. 23—Read third time, amended, to printer. From printer.
Mar. 24—Read third time, passed, title approved. To Assembly.
Mar. 25—In Assembly. Concurrence in Senate amendments pending.
Mar. 26—Senate amendments concurred in. To enrollment.
Mar. 27—Reported correctly enrolled. To Governor at 2 p.m.
April 4—Approved by Governor. Chapter 93.

1873—McFall (Codification by California Code Commission), Jan. 15.
To Com. on Pub. H.

An act to codify Chapter 17 of the Statutes of 1907, relating to hospitals, by adding Division 23.5, comprising Sections 82500 to 82508, inclusive, to the Health and Safety Code, and repealing Chapter 17 of the Statutes of 1907.

Jan. 15—Read first time. To print.
Jan. 21—From printer. To committee.
Mar. 4—From committee: Do pass. Read second time. To engrossment.
Mar. 6—Reported correctly engrossed. Read third time, passed, title approved. To Senate.
Mar. 6—In Senate. Read first time. To Com. on Pub. H. & S.
Mar. 19—From committee: Do pass.
Mar. 20—Read second time.
Mar. 23—Read third time, passed, title approved. To Assembly.
Mar. 24—In Assembly. To enrollment.
Mar. 26—Reported correctly enrolled. To Governor at 11 a.m.
April 3—Approved by Governor. Chapter 82.

1874—McFall (Codification by California Code Commission), Jan. 15.
To Com. on Pub. H.

An act to codify Chapter 790 of the Statutes of 1931 and Chapter 273 of the Statutes of 1935, relating to fire protection, by adding Sections 13007, 13008, 13009, 13010, and 13052.5 to the Health and Safety Code, and repealing Chapter 790 of the Statutes of 1931 and Chapter 273 of the Statutes of 1935.

Jan. 15—Read first time. To print.
Jan. 21—From printer. To committee.
Mar. 4—From committee: Do pass.
Mar. 5—Read second time: To engrossment.
Mar. 6—Reported correctly engrossed. Read third time, passed, title approved. To Senate.
Mar. 6—In Senate. Read first time. To Com. on Pub. H. & S.
Mar. 19—From committee: Do pass.
Mar. 20—Read second time.
Mar. 23—Read third time, passed, title approved. To Assembly.
Mar. 24—In Assembly. To enrollment.
Mar. 26—Reported correctly enrolled. To Governor at 11 a.m.
April 1—Approved by Governor. Chapter 43.

LEGISLATIVE DIGEST
AND TABLE OF SECTIONS AFFECTED

BILLS AND CONSTITUTIONAL
AMENDMENTS INTRODUCED

CALIFORNIA LEGISLATURE
1953 REGULAR SESSION
FROM JANUARY 5 TO JANUARY 17, 1953



Compiled by
RALPH N. KLEPS
Legislative Counsel

J. A. BEEK
Secretary of the Senate

ARTHUR A. OHNIMUS
Chief Clerk of the Assembly

LIS - 3

- A.P. 1865—CLARKE. (Jud.) Codifies Act 5783, Meat Sellers Fair Competition Act, by adding Sec. 368 to Ag. C., re sale of meat.
Prepared by California Code Commission.
- A.B. 1866—CLARKE. (L. & D.) Codifies Act 384, Ch. 757, Stats. 1921, by adding Ch. 9 to Div. 3, Ag. C., re dogs and restrictions upon the running of dogs at large, for protection of livestock.
Prepared by California Code Commission.
- A.B. 1867—CLARKE. (Agr.) Codifies Act 146, the California Agricultural Products Marketing Act of 1937, by adding Ch. 12 to Div. 6, Ag. C., re marketing of agricultural products.
Prepared by California Code Commission.
- A.B. 1868—CLARKE. (Agr.) Codifies Act 146.1, California Agricultural Products Marketing Act of 1943, by adding Ch. 13 to Div. 6, Ag. C., re marketing of agricultural products.
Prepared by California Code Commission.
- A.B. 1869—CLARKE. (Agr.) Codifies Act 147b, Ch. 150, Stats. 1947, by adding Ch. 14 to Div. 6, Ag. C., re marketing of farm products and regulation of unloading and handling thereof when delivered to markets.
Prepared by California Code Commission.
- A.B. 1870—McFALL. (Jud.) Codifies Act 7051, Ch. 1879, Stats. 1951, by adding Sec. 30047 and Ch. 13, Div. 2, B. & P. C., re regulation of shorthand reporting.
Prepared by California Code Commission.
- A.B. 1871—McFALL. (Jud.) Codifies various Stats. as part of B. & P. C., re regulation of private business and business transactions.
Prepared by California Code Commission.
- A.B. 1872—McFALL. (Pub. H.) Codifies as part of H. & S. C., various stats., re tax exemption of housing authority property.
Prepared by California Code Commission.
- A.B. 1873—McFALL. (Pub. H.) Codifies Stats. 1907, Ch. 17, by adding Div. 23.5, Secs. 32500-32508, inclusive, to H. & S. C., re endowment hospitals.
Prepared by California Code Commission.
- A.B. 1874—McFALL. (Pub. H.) Codifies various Stats. as part of H. & S. C., re fire protection.
Prepared by California Code Commission.
- A.B. 1875—McFALL. (Pub. H.) Codifies Stats. 1411, Ch. 578, by adding Secs. 5134 and 5500.5, H. & S. C., re cemeteries.
Prepared by California Code Commission.
- A.H. 1876—McFALL. (F. & G.) Codifies Act 5532, Ch. 290, Stats. 1939, Act 9281, Ch. 1173, Stats. 1951, and Act 9250, Wildlife Conservation Act of 1947, by adding Div. 6 to F. & G. C., re wild life conservation, propagation, management, and utilization and recreational facilities connected therewith.
Prepared by California Code Commission.
- A.B. 1877—McFALL. (F. & G.) Repeals Div. 6, F. & G. C., re repeals effected by said code.
Prepared by California Code Commission.
- A.D. 1878—McFALL. (F. & G.) Codifies Act 2936a, Ch. 76, Stats. 1933, by adding Ch. 15 to Part 3, Div. 4, F. & G. C., re importation and transportation of wild birds and animals.
Prepared by California Code Commission.

SUMMARY DIGEST of STATUTES ENACTED

and

Proposed Constitutional Amendments
Submitted to the Electors
Including
Table of Statutes Affected

California Legislature
1953 Regular Session



Joseph A. Beek
Secretary of the Senate

Arthur A. Ohnimus
Chief Clerk of the Assembly

Compiled by
Ralph N. Kleps
Legislative Counsel

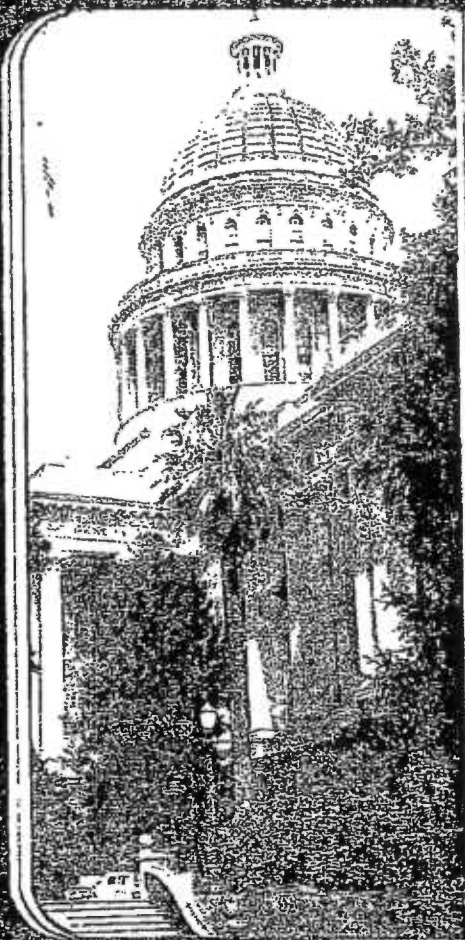
LIS - 4

- *A.B. 1861 (Ch. 102). CLARKE. Codifies Act 1083, re sale of imported butter.
- *A.B. 1862 (Ch. 103). CLARKE. Codifies Act 69, re raisins.
- *A.B. 1863 (Ch. 188). CLARKE. Codifies Act 1-4a, the Agricultural Products Marketing Act, re marketing of agricultural products.
- *A.B. 1864 (Ch. 104). CLARKE. Codifies Act 8208, re importation of insects for the control of insect pests.
- *A.B. 1865 (Ch. 47). CLARKE. Codifies Act 8783, re sale of meal.
- *A.B. 1866 (Ch. 105). CLARKE. Codifies Act 384, re dogs and placing restrictions upon dogs running at large for the protection of livestock.
- *A.B. 1867 (Ch. 189). CLARKE. Codifies Act 3-10, the Agricultural Products Marketing Act of 1937.
- *A.B. 1868 (Ch. 190). CLARKE. Codifies Act 1461, the California Agricultural Products Marketing Act of 1943.
- *A.B. 1869 (Ch. 100). CLARKE. Codifies Act 1476, commonly known as the Swampers and Langers Act, re unloading agricultural products at markets.
- *A.B. 1870 (Ch. 191). McFALL. Codifies Act 7051, re regulation of shorthand reporting.
- *A.B. 1871 (Ch. 67). McFALL. Codifies Acts 7410, re registration of cosmetologists; 7402, re licensing of sheep raising; 4231, re licensing of sheep raising; 4577, re method of excluding lands from subdivisions; 372, re combinations to obstruct sales of livestock.
- *A.B. 1872 (Ch. 33). McFALL. Codifies Acts 3485 and 840, re housing authorities.
- *A.B. 1873 (Ch. 82). McFALL. Codifies Act 2427, re hospitals.
- *A.B. 1874 (Ch. 48). McFALL. Codifies Acts 2586 and 2587, re fire protection.
- *A.B. 1875 (Ch. 831). McFALL. Codifies Act 1281, re cemeteries.
- *A.B. 1876 (Ch. 283). McFALL. Codifies Acts 8832, 9250, and 9251, re wild life conservation, propagation, management and utilization and recreational facilities connected therewith.
- *A.B. 1877 (Ch. 205). McFALL. Repeals 14v, B, F, & G, C, re repeals effected by said code.
- *A.B. 1878 (Ch. 178). McFALL. Codifies Act 2236a, re importation and transportation of wild birds and animals.
- *A.B. 1879 (Ch. 179). McFALL. Codifies Acts 2040 and 2040a, re reciprocal hunting and fishing licenses and privileges.
- *A.B. 1880 (Ch. 151). McFALL. Codifies Act 150, the California Airport District Act, and Act 151a, the State Aeronautics Commission Act.
- *A.B. 1881 (Ch. 192). McFALL. Codifies Act 3215, the Municipal Improvement Act of 1913; Act 1390, re a special census; Act 3203r.1, the Secondary Highway Act of 1951; Act 3131.7, the Parking District Act of 1951.
- *A.B. 1882 (Ch. 70). McFALL. Codifies Act 5136, re automobile caravanning; Act 5131.5, re employment of unlicensed parking facility attendants; Act 5131.6, re use of streets by parking lot operators.
- *A.B. 1883 (Ch. 107). ERWIN. Codifies Act 8490b, re creation, powers and duties of the Franchise Tax Board.
- *A.B. 1884 (Ch. 113). COLLIER. Codifies Act 1570, re aviation education; Act 7966f, re special teacher training programs; Act 7521, re foreign language schools; Act 7523, re printing schools.

* Prepared by California Code Commission.

- *A.B. 1885 (Ch. 152). Control Act
- *A.B. 1886 (Ch. 119). beverages, re "Section 27"
- *A.B. 1888 (Ch. 153). sexual devic
- *A.B. 1890 (Ch. 143).
- *A.B. 1891 (Ch. 94). review of a mission.
- *A.B. 1892 (Ch. 84). surgical and ing water to
- *A.B. 1893 (Ch. 85). union butto
- *A.B. 1894 (Ch. 31). Labor Stan
- *A.B. 1895 (Ch. 170). States; 629 629.5, re p erty; 5173, 4248, re by for blind; rce or polic 6220, State 6446, Post-t tion of r zoning ord nents, re G
- *A.B. 1896 (Ch. 180).
- *A.B. 1898 (Ch. 68). by Govern re reinstat- use of insig
- *A.B. 1899 (Ch. 137). supplies fr
- *A.B. 1900 (Ch. 154).
- *A.B. 1901 (Ch. 108). and Act 4
- *A.B. 1902 (Ch. 109). re forest p Act 2682a
- *A.B. 1903 (Ch. 49). Act.
- *A.B. 1905 (Ch. 1293) 1925; and
- *A.B. 1907 (Ch. 255) of Title 8 existing p in Imperia

* Prepared by Califor



CALIFORNIA LEGISLATURE
AT SACRAMENTO

List of
MEMBERS, OFFICERS, COMMITTEES.
and
RULES OF THE TWO HOUSES

Together With a List of the Members of Congress,
Supreme Court, State Officers, Boards, Commis-
sions, Classification of Counties, Etc.

1953 REGULAR SESSION
First Part—January 5th to January 17th Which
Preceded Constitutional Recess
Second Part Begins February 24, 1953



JOSEPH A. BEEK
Secretary of the Senate

ARTHUR A. OHNIMUS
Chief Clerk of the Assembly

LIS - 5

The Assembly

List of
MEMBERS, OFFICERS,
COMMITTEES
AND THE RULES

1953 REGULAR SESSION



ASM

Compiled Under the Direction of
ARTHUR A. OHNIMUS
Chief Clerk

By
ELEANOR K. DONOGHUE
Legislative Copy Editor

RUTH M. RILEY
and
RICHARD F. BARBEAU
Assistant Clerks

MEMBERS OF THE ASSEMBLY - EIGHTY ASSEMBLYMEN
 Hon. JAMES W. SULLIVAN, Speaker, of Safford
 Hon. THOMAS A. MALONEY, Speaker pro Tempore, of San Francisco
 ARTHUR A. CHRISTIUS, Chief Clerk, of San Francisco
 GERALDINE B. HAUSER, Minute Clerk, of Los Angeles
 WALTER OGG, Sergeant at Arms, of Sacramento
 Rev. FATHER JAMES D. POOLE, Chaplain, of Sacramento
 (R, Republican; D, Democratic; I Prop. Independent Progressive)

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 Members of Assembly

Dist.	Name	Occupation	Party	Home address	Local address	Seat	Legislative service
29	Allen, Bruce F.	Attorney	R	109 N. Cypress, San Jose	State Capitol	48	1952
71	Rockstrand, L. M. (Leo)	Insurance Broker	R	1156 12th St., Riverdale	State Capitol	51	1952
1	Rehder, Frank P.	Farmer	R-D	263 Highland Bldg., 127 N. Grand Ave., San Francisco P.O. Box 1025, Berkeley	State Capitol Sacramento Hotel	57 22	1917-1952 1931-1952

23	Berry, William C.	Machinist	D-R	3747 20th St., San Francisco 10	Berry Hotel	20	1911-1951
70	Bradley, Wills W.	Captain, Navy, retired	R	251 Arden Ave., Long Beach 3	Senator Hotel	28	1953
22	Brady, Bernard R.	Accountant	D-R	140 Jordan Ave., San Francisco	Sacramento Hotel	3	1913-1951
29	Brown, Ralph M.	Attorney	D-R	150 Box 1222, Modesto	State Capitol	23	1913-1951
77	Bulen, Edwin E.	Dairyman	R	1714 E. Grand, Eureka	Senator Hotel	27	1953
53	Barke, Montivel A.	Retired	R-D	16 N. Olive Ave., Alhambra	Senator Hotel	40	1915-1953
18	Calderoni, Thomas W.	Attorney	R-D	312 Lincoln Center Bldg., Oakland 12	State Capitol	29	1917-1952
76	Cady, J. Ward	Banker	R-D	412 S. Imperial Ave., Berkeley	Senator Hotel	22	1922
30	Chapin, Charles Edmund	Engineer	R-D	141, Box 777, High School Box 56, Placerville	State Capitol	23	1921-1951
51	Charles, George A.	Farmer	R-D	Box 56, Placerville	State Capitol	26	1913-1914 1922-1951
84	Chen, I. Bahh R.	Farmer	R-D	Box 696, China Vista	Sacramento Hotel	23	1923-1951
51	Choffe, John L. E.	Businessman	R-D	7045 S. Figueroa, Los Angeles 12	Senator Hotel	43	1917-1953

Members of Assembly
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MEMBERS OF THE ASSEMBLY—EIGHTY ASSEMBLYMEN—Continued

Dist.	Name	Occupation	Party	Home address	Local address	Seat	Legislative service
26	Albrecht, Edward P.	Public Accountant	R	450; Hollywood Blvd., Los Angeles 27	1522 N St., State Capitol	56	1912-1953
26	Longue, Lloyd W.	Farmer	D-R	3000; 24th St., San Diego	Senator Hotel	39	1917-1953
26	Harckel, Frank	Retired Navy Captain	R-D	1926; 24th St., San Diego	Senator Hotel	19	1916-1926, 1927-1946 and 1951-1953
29	Lynn, Charles W.	Attorney	R-D	225 Princeton Circle, Wood, Fullerton	State Capitol	62	1952
29	Lynn, Lottis K., Jr.	Attorney	R-D	495 Montgomery St., Rm. 711, San Francisco 4	Senator Hotel	7	1935-1953

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Members of Assembly

42	Marsh, William F.	Employment Agency	R	5325 Ancland Ave., North Hollywood	Senator Hotel	28	1952
11	Mastroran, S. C.	Attorney-at-Law	D	471 21st St., Richmond	Senator Hotel	40	1953
7	McAllister, Belmont H.	Real Estate	R-D	171 E. Riverside Ave., Mill Valley	1171 Cedar Dr.	6	1911-1953
12	McFall, John J.	Attorney	D-R	215 N. Sherman Ave., Manteca	State Capitol	72	1951-1953
61	McCue, Patrick E.	Attorney	R-D	17201 Sherman Way, Van Nuys	122's Club	69	1951-1953
61	McMillan, Lester A.	Attorney	D-I	639 S. Spring St., Rm. 1062, Los Angeles 11	Senator Hotel	15	1913-1953
19	Meyers, Charles W.	Businessman	D-R	417 East Hollywood, San Francisco 27	122's Club	25	1919-1953
63	McGee, G. Dillert	Insurance	R-D	2881 W. 14th Ave., Los Angeles	2561 M. B.	28	1918-1953
24	McMull, William A.	Attorney	D-R	2100 Via Corona, Montebello	State Capitol	50	1951-1953
79	Nichouse, Kathryn T.	Insurance	R	4988 Hartwell St., San Diego 16	State Capitol	31	1913-1953

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Members of Assembly

MEMBERS OF THE ASSEMBLY—EIGHTY ASSEMBLYMEN—Continued

Dist.	Name	Occupation	Party	Home address	Local address	Seat	Legislative service
8	Nielsen, Roy J.	Real Estate and Insurance	R-D	1555 13th Ave., Sacramento	Rm. 309, Bank of America Bldg.	29	1925-1931; and 1933
	P						
35	Patterson, Rocco J.	Farmer	R-D	P.O. Box 662, Visalia	Sacramento Hotel	47	1937
69	Pecker, Charles V.	Teacher and Businessman	D-R	301 W. Palmer Ave., Compton	Senator Hotel	27	1919-1933
	R						
17	Randford, William Byron	Pharmacist	D-R	1240 Stuart St., Berkeley 2	State Capitol	41	1919-1933
	S						
22	Shaw, Stanford C.	Attorney	D-R	111 N. Mountain Ave., Oakdale	State Capitol	62	1931-1933
16	Sherwin, Marvin	Attorney	R-D	1415 Broadway, Oakland 12	State Capitol	1	1913-1933
31	Shilman, James W.	Warehouseman	R-D	P.O. Box 150, Salinas	State Capitol	73	1917-1933
43	Smith, H. Allen	Attorney	R-D	438 S. Spring St., Los Angeles 13	State Capitol	79	1918-1933
74	Stanley, Earl W.	Realtor	R	225 Marine Building Leland	1316 O. Bldg.	61	1917-1933
45	Stewart, A. L.	City Director	R	402-A State Bldg., Los Angeles 12	Senator Hotel	33	1916-1933
	T						
68	Thomas, Vincent	Legislative	D-R	1221 S. Noble St., San Francisco	State Capitol	11	1911-1933
26	Toussaint, Stanley T.	Attorney	R-D	613 State St., Santa Barbara	Senator Hotel	38	1913-1933
	W						
34	Water, Loughlin E.	Attorney	R-D	727 W. Seventh St., Los Angeles 17	State Capitol	32	1917-1933
21	Weinberger, Charles W.	Attorney	R	277 Pacific Ave., San Francisco 13	State Capitol	23	1933

* Veteran.

** Vacancy, vice Mr. Kirkwood resigned January 6, 1934. Appointed State Controller January 6, 1934.

† Pursuant to provisions of Joint Title 59, legislative service is shown by years instead of by session number. Sessions are consecutive unless otherwise indicated.

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Members of Assembly

Members of Assembly

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MEMBERS OF ASSEMBLY, WITH STANDING COMMITTEES OF WHICH EACH IS A MEMBER

- ALLEN**—Agriculture; Conservation, Planning, and Public Works; Judiciary; Ways and Means
- BARNSTEAD**—Agriculture; Finance and Insurance (Vice Chairman); Public Health; Revenue and Taxation; Transportation and Commerce
- BECK**—Education; Finance and Insurance; Judiciary; Manufacturing, Oil, and Mining Industry (Chairman)
- BETHEA**—Constitutional Amendments (Chairman); Education; Livestock and Dairies; Transportation and Commerce; Ways and Means
- BERRY**—Elections and Reapportionment; Industrial Relations; Public Utilities and Corporations; Transportation and Commerce
- BREWER**—Education; Manufacturing, Oil, and Mining Industry; Military Affairs (Vice Chairman); Revenue and Taxation
- BROWN**—Judiciary; Public Utilities and Corporations; Revenue and Taxation; Rules
- BROWN**—Agriculture; Governmental Efficiency and Economy; Ways and Means
- BULL**—Agriculture; Civil Service and State Personnel; Industrial Relations; Livestock and Dairies; Manufacturing, Oil, and Mining Industry
- BURR**—Elections and Reapportionment; Legislative Procedure (Chairman); Manufacturing, Oil, and Mining Industry; Public Utilities and Corporations
- CANTON**—Conservation, Planning, and Public Works; Education; Judiciary (Chairman); Ways and Means
- CASEY**—Agriculture; Education; Fish and Game; Ways and Means

MEMBERS OF ASSEMBLY, WITH STANDING COMMITTEES OF WHICH EACH IS A MEMBER—Continued

- CHAMPLIN**—Education; Manufacturing, Oil, and Mining Industry; Public Utilities and Corporations; Revenue and Taxation; Transportation and Commerce
- CLARKE**—Agriculture (Chairman); Conservation, Planning, and Public Works; Livestock and Dairies; Ways and Means
- CLEVER**—Agriculture; Conservation, Planning, and Public Works; Livestock and Dairies; Rules; Ways and Means
- COLLIER**—Education (Chairman); Industrial Relations; Social Welfare; Ways and Means
- COOPER**—Elections and Reapportionment; Industrial Relations; Judiciary (Vice Chairman); Ways and Means
- CORSON**—Constitutional Amendments; Elections and Reapportionment (Chairman); Governmental Efficiency and Economy; Public Utilities and Corporations; Ways and Means
- COSBY**—Agriculture; Governmental Efficiency and Economy; Manufacturing, Oil, and Mining Industry; Military Affairs (Chairman)
- COSTELLO**—Finance and Insurance; Public Health (Vice Chairman); Ways and Means
- CROFTON**—Governmental Efficiency and Economy; Judiciary; Municipal and County Government; Revenue and Taxation
- DAVIS**—Conservation, Planning, and Public Works; Education; Elections and Reapportionment (Vice Chairman); Fish and Game
- DEWEY**—Judiciary; Military Affairs; Public Utilities and Corporations
- DICKS**—Military Affairs; Public Health; Public Utilities and Corporations; Revenue and Taxation
- DUNN**—Conservation, Planning, and Public Works; Elections and Reapportionment; Finance and Insurance; Judiciary; Revenue and Taxation

MEMBERS OF ASSEMBLY, WITH STANDING COMMITTEES OF WHICH EACH IS A MEMBER—Continued

- LYON, LARRY E.—Education; Industrial Relations (Vice Chairman); Judiciary; Social Welfare
- MALONEY—Constitutional Amendments; Finance and Insurance; Government Organization; Industrial Relations; Rules (ex officio)
- MANON—Finance and Insurance; Fish and Game; Public Utilities and Corporations (Vice Chairman)
- MAYHEW—Governmental Efficiency and Economy; Industrial Relations; Judiciary; Social Welfare
- McCOLLUM—Agriculture; Government Organization; Livestock and Dairies
- McFAR—Agriculture; Education; Governmental Efficiency and Economy; Judiciary; Rules
- McGER—Governmental Efficiency and Economy (Vice Chairman); Judiciary; Public Utilities and Corporations; Transportation and Commerce
- McMURRY—Governmental Efficiency and Economy; Revenue and Taxation
- MILBY—Civil Service and State Personnel; Finance and Insurance; Legislative Procedure (Vice Chairman); Transportation and Commerce
- MOORE—Finance and Insurance; Public Utilities and Corporations; Revenue and Taxation
- MURPHY—Finance and Insurance; Industrial Relations (Chairman); Judiciary; Livestock and Dairies; Ways and Means
- NICHOLS—
- NORRIS—Civil Service and State Personnel (Vice Chairman); Military Affairs; Municipal and County Government
- PETERSON—Agriculture; Fish and Game; Social Welfare; Ways and Means
- PORTER—Education; Livestock and Dairies; Manufacturing, Oil, and Mining Industry; Ways and Means

MEMBERS OF ASSEMBLY, WITH STANDING COMMITTEES OF WHICH EACH IS A MEMBER—Continued

- RUMFORD—Civil Service and State Personnel; Government Organization; Municipal and County Government; Public Health (Chairman); Transportation and Commerce
- SNARE—Conservation, Ponds, and Public Works (Vice Chairman); Judiciary; Public Health; Livestock and Dairies
- SUZUKI—Government Organization; Revenue and Taxation; Ways and Means (Chairman)
- SULLIVAN—Rules (Chairman)
- SWAN—Finance and Insurance; Judiciary; Public Health; Public Utilities and Corporations (Chairman)
- STANTON—Agriculture and Reapportionment; Fish and Game; Military Affairs; Municipal and County Government (Chairman)
- STEWART—Governmental Efficiency and Economy (Chairman); Military Affairs; Municipal and County Government
- THOMAS—Fish and Game (Vice Chairman); Governmental Efficiency and Economy; Revenue and Taxation
- TORRES—Agriculture; Municipal and County Government; Revenue and Taxation; Transportation and Commerce (Chairman)
- WATSON—Conservation, Ponds, and Public Works; Elections and Reapportionment; Governmental Efficiency and Economy; Ways and Means
- WISLICKI—Elections and Reapportionment; Government Organization (Vice Chairman); Judiciary; Ways and Means

EARL WARREN
GOVERNOR



California Code Commission

OFFICE: 3021 STATE CAPITOL, SACRAMENTO

GERALD H. HAGAR, CHAIRMAN
CENTRAL BANK BUILDING
OAKLAND

A. M. KIDD, VICE CHAIRMAN
BOALY HALL OF LAW
UNIVERSITY OF CALIFORNIA
BERKELEY

WILLIAM G. HALE, VICE CHAIRMAN
HASTINGS COLLEGE OF THE LAW
SAN FRANCISCO

RALPH H. KLEPS, SECRETARY

COMMISSION
WILLIAM W. CLARY
~~WILLIAM W. CLARY~~
GERALD H. HAGAR
WILLIAM G. HALE
A. M. KIDD
SAYRE MACNEIL
WILLIAM A. O'BRIEN
WILLIAM B. OWENS
THOMAS E. STANTON, JR.
SHELDON D. ELLIOTT

Sacramento, California
March 27, 1953

Honorable Earl Warren
Governor of California
State Capitol
Sacramento, California

Assembly Bill No. 1874. McFall.

Dear Governor Warren:

This bill was prepared and is recommended by the California Code Commission. It makes no change in the existing law. It codifies the following acts:

Deering Act 2586 (Chapter 790, Statutes of 1931), relating to liability for failure to control a fire.

Deering Act 2587 (Chapter 273, Statutes of 1935), relating to contracts between city and fire protection districts.

The approval of this measure is earnestly requested.

Very truly yours,

Ralph H. Kleps
Secretary

Ralph H. Kleps
By
Joseph L. Knowles
Assistant Secretary

JLH:fo

LIS-6

STATE OF CALIFORNIA
Inter-Departmental Communication

To: Hon. Earl Warren
Governor, State of California
State Capitol
Sacramento

At: Sacramento

Date: March 27, 1953

From: Department of Justice
Office of the Attorney General
Leonard M. Friedman
Deputy Attorney General

Subject: Assembly Bill No. 1374

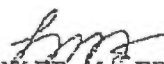
Bill codifies two existing laws relating to fires and fire protection. The first of these is the Fire Liability Law (Deering's General Laws, Act 2586). This is codified as sections 13007-13010, Health and Safety Code.

The second is the Fire Protection Contracts Law (Deering's General Laws, Act 2587), which permits county fire protection districts to contract with contiguous cities for fire protection to be furnished to the district by the city. This is codified as section 13052.5, Health and Safety Code.

We have compared the codified sections with the existing legislation and believe that no substantive change is made.

Title satisfactory.

No legal objection.


LEONARD M. FRIEDMAN

LHF-zm

RALPH N. KLEPS
LEGISLATIVE COUNSEL
CHARLES W. JOHNSON
CHIEF DEPUTY
LAWRENCE G. ALLYN
J. D. STRAUSS
PRINCIPAL DEPUTIES
OWEN K. KUNS
DEPUTY IN CHARGE
LOS ANGELES OFFICE
HARRIST R. BUHLER
DEPUTY IN CHARGE
SAN FRANCISCO OFFICE



STATE OF CALIFORNIA
Office of Legislative Counsel

3021 STATE CAPITOL, SACRAMENTO 14
995 MARKET STREET, SAN FRANCISCO 3
311 STATE BUILDING, LOS ANGELES 12

BARBARA C. CALAIS
BERNARD CZESLA
YOULA G. DAVANIS
J. GOULD
RICHARD M. GROSSBERG
JOSEPH L. KNOWLES
ANGUS C. MORRISON
GEORGE H. MURPHY
JOSEPH W. PAULICCI
VIRGINIA STEPHENS
RAY H. WHITAKER
DEPUTIES

March 27, 1953

REPORT OF ASSEMBLY BILL NO. 1874. KOFALL.

(Codification by California Code Commission)

SUMMARY: Adds Secs. 13007, 13008, 13009, 13010,
and 13052.5, H. & S. C., re fire protection,
and repeals the following codified statutes:

D.A. 2586 (Ch. 790, Stats. 1931), re
liability for failure to control a fire.

D.A. 2587 (Ch. 273, Stats. 1935), re
contracts between city and fire protection
districts.

FORM: Approved. TITLE: Approved.
CONSTITUTIONALITY: Approved.

Ralph N. Kleps
Legislative Counsel

Joseph L. Knowles
By
Joseph L. Knowles
Deputy

JLK:fo

RE-3

JOE R. YOCKERS
STATE FIRE MARSHAL

Earl Warren
Governor



STATE OF CALIFORNIA
State Fire Marshal

541 So. SPRING STREET
LOS ANGELES 13

March 27, 1953

RECEIVED
GOVERNOR'S OFFICE
1953 MAR 20 AM 10 12
HARRISON 6-1519
STATION 706

Mr. Beach Vasey
Legislative Secretary
Office of the Governor
Sacramento 14, California

Dear Mr. Vasey:

Re: Assembly Bill No. 1874

I have your communication relative to A.B. 1874, which is a bill introduced by Assemblyman McFall on recommendation of the California Code Commission.

The provisions of the bill are identical with present-day law, and in the interest of codification I would recommend that the Governor give favorable consideration to this measure.

Yours very truly,

Joe R. Yockers
JOE R. YOCKERS
State Fire Marshal

JRY:ow

- 1. SUBJECT MATTER
- 2. AUTHOR
- 3. VOTE
- 4. LEGAL REPORTS
 - (a) LEGISLATIVE COUNSEL
 - (b) ATTORNEY GENERAL
- 5. SPONSORSHIP
- 6. DEPARTMENTAL REPORTS
 - (a) IN SUPPORT
 - (b) IN OPPOSITION
- 7. OTHER REPORTS
 - (a) IN SUPPORT
 - (b) IN OPPOSITION
- 8. COMMENTS

LEGISLATIVE MEMORANDUM

GOVERNOR'S OFFICE

ASSEMBLY BILL NO. 1874

To: GOVERNOR WARREN

Date: April 1, 1953

From: Beach Vasey

- 1. SUBJECT MATTER: Codification by Code Commission. Codifies Deering's Act 2586 relating to liability for failure to control a fire and Deering's Act 2587 relating to contracts between cities and fire protection districts.
- 2. AUTHOR: McFall
- 3. VOTE: Unanimous in both houses.
- 4. LEGAL REPORTS:
 - (a) Legislative Counsel: Form, title and constitutionality approved.
 - (b) Attorney General: Title satisfactory. No legal objection. No change in existing law.
- 5. SPONSORSHIP: Code Commission.
- 6. DEPARTMENTAL REPORTS:
 - (a) In Support: The Code Commission writes urging approval. State Fire Marshal recommends approval in the interest of codification, stating that no change is made in existing law.
 - (b) In Opposition: None.
- 7. OTHER REPORTS:
 - (a) In Support: None.
 - (b) In Opposition: None.
- 8. COMMENTS: Approval recommended as a codification by the California Code Commission making no change in existing law.

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LEGISLATIVE
INTENT SERVICE, INC.

712 Main Street, Suite 200, Woodland, CA 95695
(800) 666-1917 • Fax (530) 668-5866 • www.legintent.com

DECLARATION OF MARIA A. SANDERS

I, Maria A. Sanders, declare:

I am an attorney licensed to practice in California, State Bar No. 092900, and am employed by Legislative Intent Service, Inc., a company specializing in researching the history and intent of legislation.

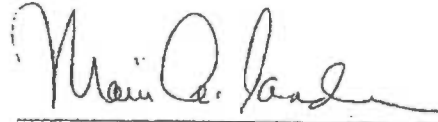
Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain all documents relevant to the enactment of Assembly Bill 2526 of 1957. Assembly Bill 2526 was approved by the Legislature and was enacted as Chapter 2346 of the Statutes of 1957.

The following list identifies all documents obtained by the staff of Legislative Intent Service, Inc. on Assembly Bill 2526 of 1957. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. All documents gathered by Legislative Intent Service, Inc. and all copies forwarded with this Declaration are true and correct copies of the originals located by Legislative Intent Service, Inc. In compiling this collection, the staff of Legislative Intent Service, Inc. operated under directions to locate and obtain all available material on the bill.

ASSEMBLY BILL 2526 OF 1957:

1. All versions of Assembly Bill 2526 (Belotti-1957);
2. Procedural history of Assembly Bill 2526 from the 1957 Assembly Final History;
3. Excerpt regarding Assembly Bill 2526 from the 1957 Legislative Digest, prepared by Legislative Counsel;
4. Excerpt regarding Assembly Bill 2526 from the 1957 Summary Digest of Statutes Enacted, prepared by Legislative Counsel;
5. Excerpt regarding Assemblyman Frank P. Belotti from the 1957 "Legislative Handbook";
6. Material from the legislative bill file of Assemblyman Frank P. Belotti on Assembly Bill 2526;
7. Post-enrollment documents regarding Assembly Bill 2526.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 5th day of September, 2008 at Woodland, California.

A handwritten signature in cursive script, appearing to read "Maria A. Sanders", written in black ink on a white background.

MARIA A. SANDERS

Introduced by Mr. Belotti

January 22, 1957

REFERRED TO COMMITTEE ON JUDICIARY

An act to repeal Section 3346 of the Civil Code and to add a new Section 3346 to the Civil Code, relating to wrongful injuries to timber, trees, or underwood upon the land of another, or removal thereof, etc.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3346 of the Civil Code is hereby re-
- 2 pealed.
- 3 SEC. 2. A new Section 3346 is hereby added to the Civil
- 4 Code, to read as follows:
- 5 3346. Injuries to Trees, Etc. For wrongful injuries to
- 6 timber, trees, or underwood upon the land of another, or re-
- 7 moval thereof, the measure of damage is three times such sum
- 8 as would compensate for the actual detriment, except that the
- 9 trespass was casual or involuntary, or that the defendant in
- 10 any action brought under this section had probable cause to
- 11 believe that the land on which the trespass was committed was
- 12 his own or the land of the person in whose service or by whose
- 13 direction the act was done, the measure of damages shall be
- 14 twice the sum as would compensate for the actual detriment,
- 15 and excepting further that where the wood was taken by the
- 16 authority of highway officers for the purpose of repairing a
- 17 public highway or bridge upon the land or adjoining it, in
- 18 which case judgment shall only be given in a sum equal to the
- 19 actual detriment.

0



LEGISLATIVE INTENT SERVICE (800) 555-1917

AMENDED IN ASSEMBLY APRIL 3, 1957

CALIFORNIA LEGISLATURE—1957 REGULAR SESSION

ASSEMBLY BILL

No. 2526

Introduced by Mr. Belotti

January 22, 1957

REFERRED TO COMMITTEE ON JUDICIARY

An act to repeal Section 3346 of the Civil Code and to add a new, AND TO ADD Section 3346, to the Civil Code, relating to wrongful injuries to OR REMOVAL OF timber, trees, or underwood upon the land of another, or removal thereof, etc.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3346 of the Civil Code is hereby re-
- 2 pealed.
- 3 SEC. 2. A new Section 3346 is hereby added to the Civil
- 4 Code, to read as follows:
- 5 3346. ~~Repealed to trees; Fee:~~ (a) For wrongful injuries
- 6 to timber, trees, or underwood upon the land of another, or
- 7 removal thereof, the measure of damage is three times such sum
- 8 as would compensate for the actual detriment, except that the
- 9 trespass was casual or involuntary, or that the defendant in
- 10 any action brought under this section had probable cause to
- 11 believe that the land on which the trespass was committed was
- 12 his own or the land of the person in whose service or by whose
- 13 direction the act was done, the measure of damages shall be
- 14 twice the sum as would compensate for the actual detriment,
- 15 and excepting further that where the wood was taken by the
- 16 authority of highway officers for the purpose of repairing a
- 17 public highway or bridge upon the land or adjoining it, in
- 18 which case judgment shall only be given in a sum equal to the
- 19 actual detriment.
- 20 (b) The measure of damages to be assessed against a de-
- 21 fendant for any trespass committed while acting in reliance
- 22 upon a survey of boundary lines which improperly fixes the

LEGISLATIVE INTENT SERVICE

1. The trespasser shall be the actual claimant.

2. The trespasser shall be the actual claimant.

3. The trespasser shall be the actual claimant.

4. The trespasser shall be the actual claimant.

5. The trespasser shall be the actual claimant.

6. The trespasser shall be the actual claimant.

7. The trespasser shall be the actual claimant.

8. The trespasser shall be the actual claimant.

9. The trespasser shall be the actual claimant.

10. The trespasser shall be the actual claimant.

11. The trespasser shall be the actual claimant.

12. The trespasser shall be the actual claimant.



AMENDED IN SENATE MAY 28, 1957
AMENDED IN ASSEMBLY APRIL 3, 1957
CALIFORNIA LEGISLATURE--1957 REGULAR SESSION

ASSEMBLY BILL
No. 2526

Introduced by Mr. Belotti

January 22, 1957

REFERRED TO COMMITTEE ON JUDICIARY

LIS - 1c

An act to repeal Section 3346 of, and to add Section 3346, to the Civil Code, relating to wrongful injuries to or removal of timber, trees, or underwood upon the land of another.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3346 of the Civil Code is hereby re-
- 2 pealed.
- 3 SEC. 2. A new Section 3346 is hereby added to the Civil
- 4 Code, to read as follows:
- 5 3346. (a) For wrongful injuries to timber, trees, or under-
- 6 wood upon the land of another, or removal thereof, the meas-
- 7 ure of damage is three times such sum as would compensate for
- 8 the actual detriment, except that where the trespass was casual
- 9 or involuntary, or that the defendant in any action brought
- 10 under this section had probable cause to believe that the
- 11 land on which the trespass was committed was his own or
- 12 the land of the person in whose service or by whose direction
- 13 the act was done, the measure of damages shall be twice the
- 14 sum as would compensate for the actual detriment, and ex-
- 15 cepting further that where the wood was taken by the au-
- 16 thority of highway officers for the purpose of repairing a
- 17 public highway or bridge upon the land or adjoining it, in
- 18 which case judgment shall only be given in a sum equal to the
- 19 actual detriment.

- 20 (b) The measure of damages to be assessed against a de-
- 21 fendant for any trespass committed while acting in reliance
- 22 upon a survey of b

(80D) 666-1917

LEGISLATIVE SERVICE



- 1 location of a boundary line, shall be the actual detriment
- 2 incurred if both of the following conditions exist:
- 3 1. The trespass was committed by a defendant who either
- 4 himself procured, or whose principal, lessor, or immediate
- 5 predecessor in title procured the survey to be made; and
- 6 2. The survey was made by a person licensed under the
- 7 laws of this State to practice land surveying.
- 8 (c) Any action for the damages specified by subdivisions
- 9 (a) and (b) of this section must be commenced within three
- 10 years from the date of the trespass, except that where the
- 11 plaintiff had not discovered the trespass the action shall be
- 12 brought within three years of its discovery.



Assembly Bill No. 2526

Passed the Assembly June 3, 1957

Chief Clerk of the Assembly

Passed the Senate May 31, 1957

Secretary of the Senate

This bill was received by the Governor this _____

day of _____, 1957, at _____ o'clock _____ M.

Private Secretary of the Governor

LIS - 1d



LEGISLATIVE INTENT SERVICE (800) 666-1917

CHAPTER

An act to repeal Section 3346 of, and to add Section 3346 to, the Civil Code, relating to wrongful injuries to or removal of timber, trees, or underwood upon the land of another.

The people of the State of California do enact as follows:

SECTION 1. Section 3346 of the Civil Code is hereby repealed.

SEC. 2. A new Section 3346 is hereby added to the Civil Code, to read as follows:

3346. (a) For wrongful injuries to timber, trees, or underwood upon the land of another, or removal thereof, the measure of damages is three times such sum as would compensate for the actual detriment, except that where the trespass was casual or involuntary, or that the defendant in any action brought under this section had probable cause to believe that the land on which the trespass was committed was his own or the land of the person in whose service or by whose direction the act was done, the measure of damages shall be twice the sum as would compensate for the actual detriment, and excepting further that where the wood was taken by the authority of highway officers for the purpose of repairing a public highway or bridge upon the land or adjoining it, in which case judgment shall only be given in a sum equal to the actual detriment.

(b) The measure of damages to be assessed against a defendant for any trespass committed while acting in reliance upon a survey of boundary lines which improperly fixes the location of a boundary line, shall be the actual detriment incurred if both of the following conditions exist:

1. The trespass was committed by a defendant who either himself procured, or whose principal, lessor, or immediate predecessor in title procured the survey to be made; and

2. The survey was made by a person licensed under the laws of this State to practice land surveying.

(c) Any action for the damages specified by subdivisions (a) and (b) of this section must be commenced within five years from the date of the trespass.

LEGISLATIVE SERVICE

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CHAPTER 2346

An act to repeal Section 3346 of, and to add Section 3346 to, the Civil Code, relating to wrongful injuries to or removal of timber, trees, or underwood upon the land of another.

In effect
September
11, 1957

[Approved by Governor July 10, 1957. Filed with
Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 3346 of the Civil Code is hereby repealed.

SEC. 2. A new Section 3346 is hereby added to the Civil Code, to read as follows:

Measure of
damages:
Trees, etc.

3346. (a) For wrongful injuries to timber, trees, or underwood upon the land of another, or removal thereof, the measure of damages is three times such sum as would compensate for the actual detriment, except that where the trespass was casual or involuntary, or that the defendant in any action brought under this section had probable cause to believe that the land on which the trespass was committed was his own or the land of the person in whose service or by whose direction the act was done, the measure of damages shall be twice the sum as would compensate for the actual detriment, and excepting further that where the wood was taken by the authority of highway officers for the purpose of repairing a public highway or bridge upon the land or adjoining it, in which case judgment shall only be given in a sum equal to the actual detriment.

(b) The measure of damages to be assessed against a defendant for any trespass committed while acting in reliance upon a survey of boundary lines which improperly fixes the location of a boundary line, shall be the actual detriment incurred if both of the following conditions exist:

1. The trespass was committed by a defendant who either himself procured, or whose principal, lessor, or immediate predecessor in title procured the survey to be made; and

2. The survey was made by a person licensed under the laws of this State to practice land surveying.

(c) Any action for the damages specified by subdivisions (a) and (b) of this section must be commenced within five years from the date of the trespass.

CHAPTER 2347

An act to amend Section 36937 of the Government Code, relating to city ordinances.

In effect
September
11, 1957

[Approved by Governor July 10, 1957. Filed with
Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 36937 of the Government Code is amended to read:

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LEGISLATIVE INTENT SERVICE



CALIFORNIA LEGISLATURE
AT SACRAMENTO

1957

ASSEMBLY FINAL HISTORY

SYNOPSIS OF
ASSEMBLY BILLS, CONSTITUTIONAL AMENDMENTS, CONCURRENT AND
JOINT RESOLUTIONS, AND HOUSE RESOLUTIONS

1957 REGULAR SESSION

DURATION OF SESSION

FIRST HALF—BEGAN MONDAY, JANUARY 7, AND ADJOURNED
FRIDAY, JANUARY 25, 1957

SECOND HALF—(AFTER CONSTITUTIONAL RECESS)—BEGAN MONDAY, MARCH 4,
AND ADJOURNED SINE DIE WEDNESDAY, JUNE 12, 1957

Legislative Days (Days Assembly Was in Session)	97 days
Length of Session Excluding Constitutional Recess	120 days
Calendar Days (January 7 to June 12, 1957)	157 days
Period of Constitutional Recess	37 days

Last Day for Signing Bills by Governor, July 17, 1957

Last Day for Filing Referendum, September 30, 1957

All Bills Approved by the Governor, Unless Otherwise Specifically Provided
For in the Bill, Become Effective September 11, 1957
(Constitution, Article IV, Section 1)

HON. L. H. LINCOLN
Speaker of the Assembly

HON. RICHARD H. McCOLLISTER
Majority Floor Leader

HON. CHARLES J. CONRAD
Speaker pro Tempore of the Assembly

HON. WILLIAM A. MUNNELL
Minority Floor Leader

ARTHUR A. OHNIMUS
Chief Clerk

ETHEL E. BROCKELBANK
History Clerk

LA-L-978

(800) 666-1917

LEGISLATIVE INTENT SERVICE



LIS - 2

2526—Belotti, Jan. 22. To Com. on Jud.

An act to repeal Section 3346 of, and to add Section 3346, to the Civil Code, relating to wrongful injuries to or removal of timber, trees, or underwood upon the land of another.

Jan. 22—Read first time. To print.
 Jan. 30—From printer. To committee.
 April 2—From committee: Amend, and re-refer to Com. on Jud.
 April 3—Read second time, amended, to printer.
 April 4—From printer. To engrossment. Reported correctly engrossed. Re-referred to Com. on Jud.
 April 11—From committee: Do pass.
 April 12—Read second time. To third reading.
 April 16—Read third time, passed, title approved. To Senate.
 April 16—In Senate. Read first time. To Com. on Jud.
 May 27—From committee: Amend, and do pass as amended.
 May 28—Read second time, amended, to printer. From printer.
 May 31—Read third time, passed, title approved. To Assembly.
 May 31—In Assembly. Concurrence in Senate amendments pending.
 June 3—Senate amendments concurred in. To enrollment.
 June 4—Reported correctly enrolled. To Governor at 4 p.m.
 July 10—Approved by Governor. Chapter 2346.

2527—Backstrand, Jan. 22. To Com. on Trans. & C.

An act to amend Sections 215 and 216 of the Vehicle Code, relating to the registration of vehicles.

Jan. 22—Read first time. To print.
 Jan. 30—From printer. To committee.
 June 12—From committee without further action.

2528—Backstrand, Jan. 22. To Com. on Trans. & C.

An act to add Section 638 to the Streets and Highways Code, relating to the reservation of easements in abandoned highways.

Jan. 22—Read first time. To print.
 Jan. 30—From printer. To committee.
 June 12—From committee without further action.

2529—Pattee, Jan. 22. To Com. on F. & G.

An act to add Section 1412 to the Fish and Game Code, relating to conditions injurious to fish.

Jan. 22—Read first time. To print.
 Jan. 30—From printer. To committee.
 April 24—From committee: Subject matter to be referred to Com. on Rls. for assignment to proper interim committee. Re-referred to Com. on Rls.
 June 12—From committee without further action.

2530—Pattee, Jan. 22. To Com. on L. & D.

An act to amend Section 461 of the Water Code, relating to market milk.

Jan. 22—Read first time. To print.
 Jan. 30—From printer. To committee.
 June 12—From committee without further action.

2531—Shell and Kelly, Jan. 22. To Com. on M., O., & M. I.

An act to add Chapter 4, commencing at Section 5700, to Division 8 of the Public Resources Code, relating to the Oil and Gas Production Study Commission.

Jan. 22—Read first time. To print.
 Jan. 30—From printer. To committee.
 May 1—From committee: Amend, and re-refer to Com. on M., O., & M. I.
 May 2—Read second time, amended, to printer.
 May 3—From printer. To engrossment.
 May 4—Reported correctly engrossed. Re-referred to Com. on M., O., & M. I.
 June 12—From committee without further action.

LEGISLATIVE DIGEST

BILLS AND CONSTITUTIONAL
AMENDMENTS INTRODUCED

CALIFORNIA LEGISLATURE

1957 REGULAR SESSION

FROM JANUARY 7 TO JANUARY 25, 1957



Compiled by
RALPH N. KLEPS
Legislative Counsel

J. A. BEEK
Secretary of the Senate

ARTHUR A. OHNIMUS
Chief Clerk of the Assembly

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LEGISLATIVE INTENT SERVICE (800) 666-1917



- A.B. 2522—CUNNINGHAM. (Mun. & C. G.) Amends Ch. 671, Stats. 1911, the Municipal Water District Act of 1911, re municipal water districts.
Allows directors pay for four, rather than three, meetings per month.
Authorizes districts to acquire or construct and maintain and operate recreational facilities at reservoirs upon approval of majority of voters.
- A.B. 2523—CUNNINGHAM. (Mun. & C. G.) Amends Sec. 32002.3, H. & S. C., to make general notice requirements for district hospital elections subject to conflicting provisions in Local Hospital District Law.
- A.B. 2524—WINTON. (Mun. & C. G.) Amends Sec. 24200, Gov. C., re elective county officers, making no substantive change.
- A.B. 2525—O'CONNELL. (G. O.) Amends Sec. 24200, R. & P. C., re grounds for suspension or revocation of liquor licenses, making no substantive change.
- A.B. 2526—BELOTTI. (Jud.) Repeals and adds Sec. 3346, Civ. C., re wrongful injury to timber, trees, or underwood on another's land.
Provides double damages, rather than actual detriment, for casual good faith trespasses.
Broadens provision re highway purposes to include repair of highway and bridge, and retains actual detriment as damages for such trespass.
Re-enacts triple damages for wilful injuries.
- A.B. 2527—BACKSTRAND. (Trans. & C.) Amends Secs. 215 and 216, Veh. C., to provide that certain two-wheel semitrailers of nonresidents otherwise exempt from registration are subject to registration if leased for intrastate operation in this State.
- A.B. 2528—BACKSTRAND. (Trans. & C.) Adds Sec. 838, S. & H. C., re reservations of easements in abandoned state highways.
Permits California Highway Commission to reserve and except from abandonment easements for sanitary sewers, storm drains, and utility facilities.
- A.B. 2529—PATTEE. (F. & G.) Adds Sec. 1412, F. & G. C., re conditions injurious to fish.
Requires anyone convicted of polluting, contaminating, or obstructing waters to detriment of fish life to remove substance placed in waters or pay costs of departmental removal.
- A.B. 2530—PATTEE. (L. & D.) Amends Sec. 461, Ag. C., re sale of milk.
Makes it unlawful to sell milk at retail without marking on container cap or otherwise percentage of milk fat and solids-not-fat contained therein.
- A.B. 2531—SHELL. (M., O., & M. I.) Adds Ch. 4, Div. 3, P. R. C., re Oil and Gas Production Study Commission.
Establishes commission composed of seven members appointed by Governor and State Oil and Gas Supervisor and Director of Natural Resources.
Provides for participation in work of commission of two members each of Senate and Assembly, to extent compatible with their positions as legislators.
Requires commission to study State's oil and gas regulatory laws and to render report to Legislature.
Provides for termination of commission on June 30, 1959.
- A.B. 2532—CONRAD. (Elec. & Reap.) Amends Sec. 3701, Elec. C., re ballot paper.
Eliminates requirement that Secretary of State shall not furnish tinted ballot paper to local agencies until it is paid for by agencies.
- A.B. 2533—CONRAD. (C., P., & P. W.) Amends Ch. 428, Stats. 1927, the Metropolitan Water District Act, re annexation of territory to districts.
Authorizes annexation of territory with right of such territory to water from district limited to amount needed at time of annexation for beneficial uses in territory.



SUMMARY DIGEST

of

STATUTES ENACTED

and

Proposed Constitutional Amendments
Submitted to the Electors
Including
Table of Sections Affected

California Legislature
1957 Regular Session



J. A. Beek
Secretary of the Senate

Compiled by
Ralph N. Kleps
Legislative Counsel

Arthur A. Ohnimus
Chief Clerk of the Assembly

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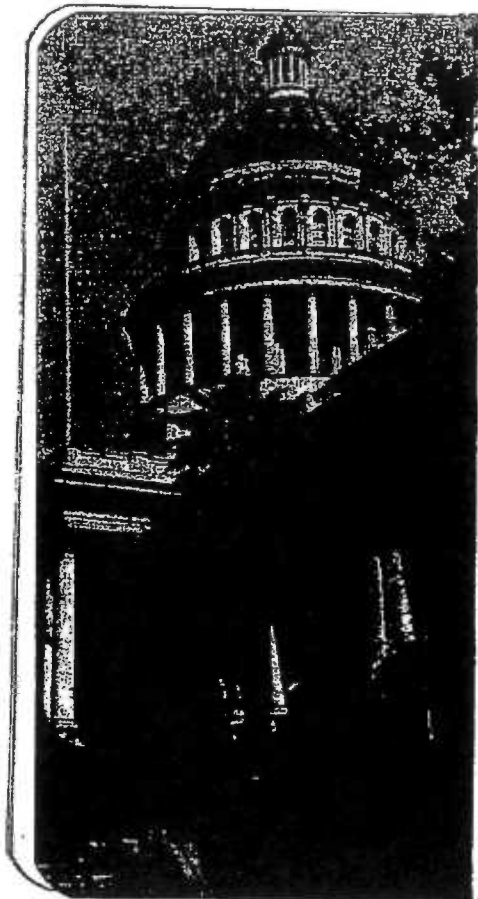
LEGISLATIVE INTENT SERVICE



LIS - 4

- A.B. 2519 (Ch. 1336). **MASTERSON**. Amends Sec. 8213, Gov. C., re filing and recording of notary public bonds.
Provides for payment of \$2 recording fee to county clerk for transmittal to recorder, rather than payment of fee directly to recorder at time bond is filed with clerk. Makes other technical changes.
- A.B. 2523 (Ch. 684). **CUNNINGHAM**. Amends Sec. 32002.3, H. & S. C., to make general notice requirements for hospital district elections subject to other provisions in the Local Hospital District Law.
- A.B. 2526 (Ch. 2346). **BELOTTI**. Repeals and adds Sec. 3346, Civ. C., re damages for wrongful injuries to timber, trees, or underwood on land of another, and actions therefor.
Retains provisions fixing measure of damages for wrongful injury to timber, trees, or underwood upon land of another, or removal thereof, at three times actual detriment, and those fixing at actual detriment damages for taking of wood by authority of highway officers, but specifies that such wood must have been used to repair public highway or bridge upon the land or adjoining it, rather than for purposes of a highway.
Eliminates present provision fixing damages for wrongful injuries to timber, trees, or underwood upon land of another to actual detriment where trespass was casual or involuntary or was committed under belief that land belonged to trespasser; and fixes at twice actual detriment the damages for such trespass where casual or involuntary or where trespasser had probable cause to believe that land was his own or land of person in whose service or by whose direction the act was done.
Fixes at actual detriment the damages for trespass committed in actual reliance upon survey of boundary lines which improperly fixes boundary line location, where defendant or his principal, lessor, or immediate predecessor in title procured survey to be made, and survey was made by person licensed under California law to practice land surveying.
Limits period for commencing actions for all specified damages to within 5 years from date of trespass.
- A.B. 2535 (Ch. 1337). **BURKE**. Amends Sec. 20675, repeals and adds Sec. 20609, Gov. C., re State Employees' Retirement System.
Revises provisions re rate of contribution for patrol, forestry, local safety and local safety members who are firemen, who re-enter state service and re-deposit withdrawn contributions.
In effect immediately.
- A.B. 2536 (Ch. 2046). **BURKE**. Adds Secs. 21250.5 and 21708, Gov. C., re State Employees' Retirement System.
Provides special temporary retirement benefit rate until age 65 for local miscellaneous member who retires after age 60 and before 65, whose retirement program is integrated with federal Old Age and Survivors Insurance.
In effect immediately.
- A.B. 2537 (Ch. 1338). **BURKE**. Amends and adds secs., Gov. C., re State Employees' Retirement System with respect to local safety members.
Provides alternate schedule of retirement benefits and special death benefits that may be adopted by local agency for local safety members who are also covered by federal Old Age and Survivors Insurance.
In effect immediately.
- A.B. 2550 (Ch. 900). **KEBLLY**. Adds Sec. 2904.1, R. & T. C., re property taxation.
Authorizes board of supervisors, when ordering tax collector to collect taxes on unsecured rolls, to reserve to assessor collection of taxes on unsecured personal property assessed to unknown owners. Provides that in such case assessor collect such taxes by seizure and sale of such personal property on or after due date thereof.





CALIFORNIA LEGISLATURE
AT SACRAMENTO

Biographies and Photographs of
SENATE MEMBERS AND OFFICERS

List of
SENATE AND ASSEMBLY MEMBERS,
OFFICERS, ATTACHES, COMMITTEES
and
RULES OF THE TWO HOUSES

*Together With a List of the Members of Congress,
Supreme Court, State Officers, Boards, Commis-
sioners, Classification of Counties, Etc.*

1957 REGULAR SESSION

*First Part—January 7th to January 25th Which
Preceded Constitutional Recess
Second Part Begins March 4, 1957*



JOSEPH A. BEEK
Secretary of the Senate

ARTHUR A. OHNIMUS
Chief Clerk of the Assembly

2—L-628

LEGISLATIVE INTENT SERVICE (800) 666-1917

LEGISLATIVE INTENT SERVICE



LIS - 5

The Assembly

List of
MEMBERS, OFFICERS
COMMITTEES
AND THE RULES

1957 REGULAR SESSION



AS7M

Compiled Under the Direction of
ARTHUR A. OHNIMUS
Chief Clerk

By

ELEANOR K. DONOGHUE

Legislative Copy Editor

PATRICK E. MURPHY

Assistant Chief Clerk

and

RUTH M. RILEY

File Clerk

LEGISLATIVE INTENT SERVICE (800) 666-1917



MEMBERS OF THE ASSEMBLY—EIGHTY ASSEMBLYMEN

HON. L. H. LINCOLN, Speaker, of Oakland
 HON. CHARLES J. CONRAD, Speaker pro Tempore, of Sherman Oaks
 ARTHUR A. CONRAD, Chief Clerk, of San Francisco
 GEOFFREY COOK, Minute Clerk, of Woodford (January 7—February 20)
 ELMANOR K. DONOGHUE, Minute Clerk, of Sacramento (February 21—)
 TOMMY BRADY, Sergeant-at-Arms, of Eureka
 REV. ROBERT S. ROMERS, Chaplain, of Sacramento
 (R, Republican; D, Democratic)

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 Members of Assembly

Dist.	Name	Occupation	Party	Home mailing address	Local address	Seat	Legislative service:
29	A. Allen, Bruce F.	Attorney	R	480 N. First St., San Jose	State Capitol	45	1953-1957
53	Allen, Don A., Sr.	City Councilman	D	3450 W. 43d St., Suite 109, Los Angeles 8	State Capitol	58	1939-1947; and June, 1956-1957

Dist.	Name	Occupation	Party	Home mailing address	Local address	Seat	Legislative service:
71	B Backstrand, L. M. (Lee)	Insurance-Realtor	R	4456 12th St., Riverside	State Capitol	20	1953-1957
71	Beaver, Jack A.	Gen. Insurance Agt.	R	525 Esther Way, Redlands	State Capitol	17	1955-1957
11	Bee, Carlos	Teacher	D-R	1784 D St., Hayward	State Capitol	30	1955-1957
1	Belotti, Frank F.	Farmer	R	P.O. Box 1025, (Spruce Point), Eureka	State Capitol	22	1951-1957
12	Biddick, William, Jr.	Attorney	D	104 W. Mariposa St., Stockton	State Capitol	26	1957
52	Bonelli, Frank G.	Merchant	D	7412 California Ave., Huntington Park	State Capitol	57	Nov. 1953-1957
28	Bradley, Clark L.	Attorney	R	802 First National Bank Bldg., San Jose	State Capitol	75	March, 1953-1957
26	Brischgi, Carl A.	City Councilman	R	86 Remato Court, Apt. 16, Redwood City	State Capitol	52	1957
30	Brown, Ralph M.	Attorney	D-R	P.O. Box 1292, Modesto	State Capitol	53	1943-1957
53	Burke, Manuel A.	Builder-Contractor	R	100 N. First St., Alhambra	State Capitol	32	1945-1957

Members of Assembly

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MEMBERS OF ASSEMBLY, WITH STANDING COMMITTEES OF WHICH EACH IS A MEMBER.

ALLEN, BRUCE H.—Conservation, Planning, and Public Works; Judiciary (Chairman); Manufacturing, Oil, and Mining Industry; Social Welfare; Ways and Means.

ALLEN, DON A., SR.—Conservation, Planning, and Public Works; Engagement and Enrollment; Fish and Game; Military and Veterans Affairs.

BAGSTRAND—Agriculture; Industrial Relations; Military and Veterans Affairs; Transportation and Commerce.

BRAND—Conservation, Planning, and Public Works; Finance and Insurance; Government Organization; Rules; Ways and Means.

ERS—Education; Governmental Efficiency and Economy; Social Welfare (Chairman); Ways and Means.

BLORTE—Conservation, Planning, and Public Works; Fish and Game (Chairman); Livestock and Dairies; Transportation and Commerce; Ways and Means.

BROOK—Agriculture; Conservation, Planning, and Public Works; Finance and Insurance (Vice Chairman); Governmental Efficiency and Economy; Judiciary.

BONKLE—Governmental Efficiency and Economy; Municipal and County Government; Public Utilities and Corporations; Revenue and Taxation; Transportation and Commerce.

BRADLEY—Constitutional Amendments; Governmental Efficiency and Economy; Judiciary; Revenue and Taxation; Municipal and County Government (Chairman).

BRETSQUER—Agriculture; Education; Livestock and Dairies; Municipal and County Government; Revenue and Taxation.

BROWN—Agriculture; Governmental Efficiency and Economy (Chairman); Judiciary; Legislative Representation; Ways and Means.

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LEGISLATIVE INTENT SERVICE



ROY A. BRONSON
HAROLD R. MCKINNON
LAWRASON DRISCOLL
EDGAR H. ROWE
JOHN F. WARD
VERNON L. GOODIN
EDWARD A. MORRIS
JAMES E. MARTIN
RICHARD S. HAWKINSON
THOMAS B. SWARTZ
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GARY R. RICKS
ALAN I. KAPLAN
J. ROGER SAMUELSEN
JOHN M. SEARS

E. D. BRONSON
KIRK LASHELLE
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JON L. JACOBSON
RICHARD L. GREENE
FREDERICK S. FIELDS
EDWIN L. GURNEY, JR.

LAW OFFICES OF
BRONSON, BRONSON & MCKINNON
255 CALIFORNIA STREET
SAN FRANCISCO 94111

TELEPHONE
421-7200
AREA CODE 415
CABLE ADDRESS
KINBRO

February 15, 1966

Assemblyman Frank P. Belotti
Room 5016 State Capitol
Sacramento, California 95814

Dear Sir:

Enclosed herewith is your file relating to Assembly Bill 2526, 1957 Session, which you kindly made available for our perusal. For your information, the member of the California Law Review who corresponded with you, Mr. Myron Sugarman, examined the file in our office. We had a fine opportunity to discuss the entire problem with him. This contact was in accordance with my conversation with your secretary by telephone several weeks ago.

Thank you again for your fine cooperation and assistance.

Very truly yours,

J. Roger Samuelson

JRS/lp

Enclosure

LEGISLATIVE INTENT SERVICE (800) 666-1917



LIS - 6

A-1

UNIVERSITY OF CALIFORNIA, BERKELEY

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SANTA BARBARA • SANTA CRUZ

CALIFORNIA LAW REVIEW
SCHOOL OF LAW
BERKELEY, CALIFORNIA

Dec. 27, 1965

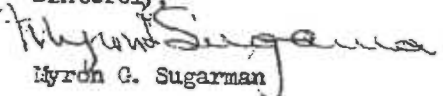
Hon. Frank P. Belotti
Member of the Assembly
P.O. Box 1625
Eureka, Calif.

Dear Sir:

I am now in the process of writing a Note for the California Law Review which involves California Civil Code Section 3346. I am particularly interested in change that was made in that section by the amendment which was the result of your Assembly Bill 2526 which was introduced in 1957. I would appreciate any legislative history materials which you might have available, and I would gladly bear the expense of having them reproduced if this is possible. If it is not, I most certainly would appreciate the loan of any materials you might have or information as to where I might be able to look at them. My special interest is with the double damage section and in particular with the District Court of Appeals construction of it in *Drewry v. Welch*, 236 A.C.A. 177 (July 1965).

Thank you very much for any consideration which you give this request.

Sincerely,


Myron G. Sugarman

LEGISLATIVE INTENT SERVICE (800) 666-1917



A-2

*Let's see
Mr. Sugerman*

February 9, 1966

9a17200

Mr. Roger Samuelsen
Bronson, Bronson & McKinnon
255 California Street
San Francisco, California

Dear Mr. Samuelsen:

Kindly be good enough to return my file relating to
Assembly Bill 2526, 1957 Session, which I loaned you
last December.

Very truly yours,

FRANK P. BELOTTI

FPB:es

LEGISLATIVE INTENT SERVICE (800) 666-1917



A-3

December 14, 1965

Mr. Roger Samuelsen
Bronson, Bronson & McKinnon
255 California Street
San Francisco, California

Dear Mr. Samuelsen:

Pursuant to our telephone conversation, I am enclosing
the file relating to AB 2526, 1957 legislative session,
for your personal use.

Please return it to my Sacramento Office, State Capitol,
Room 5016.

Best wishes for a Happy Holiday Season.

Sincerely,

FRANK P. BIELLOTTI

FPB:ah
encl.

LEGISLATIVE INTENT SERVICE (800) 666-1917



A-4

ROY A. BRONSON
 HAROLD R. MCKINNON
 LAWRENCE DRISCOLL
 EDGAR H. ROWE
 JOHN F. WARD
 VERNON L. GOODIN
 EDWARD A. MORRIS
 JAMES E. MARTIN
 RICHARD S. HAWKINSON
 THOMAS D. SWARTZ
 ERNEST M. THAYER
 EDWIN W. GREEN
 DAVID L. SANDBORG
 GRANT R. DUBOIS, JR.
 GARY R. RICKS
 ALAN I. KAPLAN
 J. ROGER SAMUELSEN

E. D. BRONSON
 KIRKE LASHELLE
 JOHN H. PAINTER
 GEORGE K. HARTWICK
 MAX WEINGARTEN
 E. D. BRONSON, JR.
 CHARLES A. LEGGE
 BERNARD C. REARNS
 MILES A. COBB
 ERNEST B. LAGESON
 JOHN M. RUBENS
 PAUL H. CYRIL
 THOMAS J. SANDURAND
 JON L. JACOBSON
 RICHARD L. GREENE
 FREDERICK S. FIELDS
 EDWIN L. CURREY, JR.

LAW OFFICES OF
BRONSON, BRONSON & MCKINNON
 255 CALIFORNIA STREET
 SAN FRANCISCO 94111
 December 16, 1965

TELEPHONE
 421-7200
 AREA CODE 415
 CABLE ADDRESS
 KINGRO

Honorable Frank P. Belotti
 Member of the Assembly
 First District
 P. O. Box 1025
 Eureka, California

Dear Sir:

This will acknowledge receipt of your file relating to AB 2526, 1957 Legislative Session. The information contained therein is most informative and helpful. We deeply appreciate your fine cooperation in making the file available to us.

Pursuant to your request, we will return the file to your Sacramento office.

Very truly yours,

J. Roger Samuelson

JRS/jc

LEGISLATIVE INTENT SERVICE (800) 666-1917



A-5

213
G · K E L T O N S T E E L E

COMMERCIAL BUILDING 350 E STREET EUREKA, CALIFORNIA

February 12, 1957

Assemblyman Frank Belotti
Spruce Point, California

Dear Frank:

When you have time I would appreciate it very much if we could sit down together for a little while to permit my discussing with you the matter of timber trespass and any legislation allied thereto.

As I understand it, the present law provides that unless it can be shown that a trespass was wilful no damage other than the fair market value of the timber taken can be had by the injured party and no penalty is suffered by the trespasser.

In the event that the trespass can be shown to be deliberate and wilful, then damages of triple the fair market value of the stumpage can, and have been, imposed by the Courts.

The difficulty herein lies in the fact that it is so often almost impossible to make a showing that a trespass was wilful.

A few years ago, when timber values were so much lower, and timber was so readily available to the smaller operator, we did not have these problems.

The great rise in timber values during the past few years has brought many changes. Also, timber is much less available, in fact is in great demand, by the small operator and the combination of these two factors has created a temptation to trespass and often to cause the logger to "give himself the benefit of the doubt" as far as the exact location of a property line is concerned.

LEGISLATIVE INTENT SERVICE (800) 666-1917



A-6

- 2 -

Feb. 12, 1957

Assemblyman Frank Belotti

The situation often works like this.

Since the Courts have pretty clearly established that if someone makes an attempt to provide a boundary line, then he has pretty much shown that he was not wilfully trespassing as long as he follows this line, then we have the situation where in a man can run a line in such a way as to cause him the minimum amount of expense and very frequently it seems to also give him, again, "the benefit of the doubt". In other words, he does not employ a licensed surveyor but takes advantage of whatever rudimental knowledge he may have himself and whatever information, accurate or inaccurate, he is able to obtain about the survey condition of the land in question.

This is sloppy and seldom results in any really accurate location of a boundary line.

However, if later, by means of a licensed survey, it is shown that a trespass was committed he is in the position of being able to say that he is sorry, that he did not mean to do it, that he thought the line was in the right place and all he has to do is pay the fair market value of the timber taken, which he probably was quite willing to do all along. If he was not caught, he got the timber for nothing. If he is caught, he need only pay its fair market value.

I have testified on a couple of suits regarding timber trespass and have discussed others with attorneys and it is rather clearly established that a showing must be made that the man knew where the boundary line was and that he wilfully and deliberately crossed it and cut timber that he knew to be someone else's and took it to his own advantage. In such a case triple damages can be assessed and it is a severe penalty. But it is a rare thing that such a showing can be made.

Meanwhile, the number of trespasses is constantly increasing and the problem is becoming greater all the time.

LEGISLATIVE INTENT SERVICE (800) 666-1917



A-7

- 3 -

Feb. 12, 1957

Assemblyman Frank Belotti

If you will talk to Wes Spinney of the Six Rivers National Forest, if you have not done so already, he can tell you of the many many trespasses which have been committed upon National Forest lands and the great value of the timber which has been taken.

Many of us who own timberland have had trespasses committed upon us and we are constantly charged with the responsibility of checking our boundary lines to determine that our property has or has not been trespassed upon.

I believe that it would be well to consider changing the existing legislation to require that a property boundary line be established by means of a licensed survey and thus be correctly established, and that if a trespass occurs where the boundary line had not been first so established, then that the triple damage penalty be automatically applied.

In other words, someone's carelessness or negligence in accurately locating the boundary line should be penalized to prevent using such carelessness or negligence to permit trespassing without any penalty therefore.

Frank, when you have time, would you call me and we can work out our getting together and discussing this matter in greater detail. I am sure you are aware of the problem's existence, and probably will need help in preparing material to decide what action should be taken.

I will look forward to hearing from you, at your convenience.

Thanking you, I am

Yours very truly,

G. Kelton Steele

G. Kelton Steele

GKS:amh

cc Mr. Wes Spinney

LEGISLATIVE INTENT SERVICE (800) 666-1917



A-8

2/27/57
no. 8353

AMENDMENT NO. 1

AMENDMENT NO. 1
In line 1 of the title of the printed bill, after
"of" insert:

, and to add Section 3345 to,

AMENDMENT NO. 2

In lines 1 and 2 of the title, strike out "and to
add a new Section 3345 to the Civil Code".

AMENDMENT NO. 3

In line 4 of the title, after "thereof" strike out
", and".

AMENDMENT NO. 4

On page 1, line 1, strike out "hereby".

AMENDMENT NO. 5

On page 1, strike out lines 3 to 19, inclusive.

LEGISLATIVE INTENT SERVICE (800) 666-1917



A-9

File

and insert:

Sec. 7. Section 3346 is added to said code, to read:

3346. Any person who caused wrongful injury to the timber, trees, or underwood upon the land of another or who wrongfully removes such timber, trees, or underwood from the land of another shall be liable to the owner thereof in an amount equal to three times the sum of the actual detriment, ~~unless such person had prior to the trespass obtained a licensed survey of the property boundary lines and had made notice in the newspaper and the trespass was accidental, the measure of damages shall be the actual detriment.~~ Where wood is taken by the authority of highway officers for the purpose of repairing a public highway or bridge upon the owner's land or adjoining it, the measure of damages shall be the actual detriment.

did not infillly

LEGISLATIVE INTENT SERVICE (800) 455-1111



A-10

and insert:

Sec. 2. Section 3345 is added to said code, to read:

3345. Any person who causes wrongful injury to the timber, trees, or underwood upon the land of another or who wrongfully removes such timber, trees, or underwood from the land of another shall be liable to the owner thereof in an amount equal to three times the sum of the actual detriment, unless such person had, prior to the trespass, a licensed survey made of the property boundary lines and did not wilfully commit the trespass, in which event the measure of damages shall be the actual detriment. Where wood is taken by the authority of highway officers for the purpose of repairing a public highway or bridge upon the owner's land or adjoining it, the measure of damages shall be the actual detriment.

LEGISLATIVE INTENT SERVICE (800) 666-1917



RALPH N. KLEPS
LEGISLATIVE COUNSEL
CHARLES W. JOHNSON
- CHIEF DEPUTY
ANGUS C. MORRISON
GEORGE H. MURPHY
PRINCIPAL DEPUTIES
OWEN K. KUNS
DEPUTY IN CHARGE
LOS ANGELES OFFICE



STATE OF CALIFORNIA
Office of Legislative Counsel

3021 STATE CAPITOL, SACRAMENTO 14
311 STATE BUILDING, LOS ANGELES 12

LAWRENCE G. ALLYN
TERRY L. BAUM
HARRIETT R. BUHLER
BARBARA C. CALAIS
VIRGINIA COKER
BERNARD CZEKA
KENT L. DECHAMBEAU
ROBLEY E. GEORGE
J. GOULD
STANLEY M. LOURIMORE
RYAN M. POLSTRA
EDWARD K. PURCELL
J. D. STRAUSS
RAY H. WHITAKER
ROSE WOODS
DEPUTIES

Sacramento, California
February 27, 1958

Honorable Frank P. Belotti
P. O. Box 1025
Eureka, California

Timber Trespass - #8358

Dear Mr. Belotti:

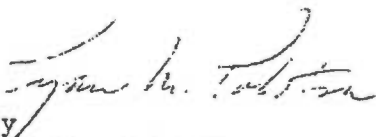
You have asked us if A.B. 2526 would automatically apply the triple damage penalty where a trespass occurs with respect to the timber of another and the boundary had not previously been established by a licensed survey, as suggested in the letter of Mr. G. Melton Steele.

No, A.B. 2526 does not so provide. However, we have prepared and enclose amendments which would amend A.B. 2526 so that it would apply as suggested by Mr. Steele. We have also made other technical changes.

We also enclose the letter of Mr. G. Melton Steele that you submitted for our use.

Very truly yours,

Ralph N. Kleps
Legislative Counsel


By
Ryan M. Polstra
Deputy

EMP:11b

LEGISLATIVE INTENT SERVICE (800) 666-1917



A-12

Mr. G. Kelton Steele
350 E. Street
Eureka, California

Dear Kelton:

.....

With reference to your suggestions concerning AB 2526, timber trespass, I will get in touch with you when I have had an opportunity to work out some amendments. A copy of the bill as presently written is enclosed.

Sincerely,

FRANK P. BELOTTI

FPB:vfw

Enclosures

A-13

OREGON

Oregon Revised Statutes (1955) Chapter 105:

105.810. Treble damages for injury to or removal of produce trees or shrubs. Except as provided in ORS 477.310, whenever any person, without lawful authority, wilfully injures or severs from the land of another any produce thereof or cuts down, girdles or otherwise injures or carries off any tree, timber or shrub on the land of another person, or of the state, county, United States or any public corporation, or on the street or highway in front of any person's house, or in any village, town or city lot, or cultivated grounds, or on the common or public grounds of any village, town or city, or on the street or highway in front thereof, in an action by any such person, village, town, city, the United States, state, county, or public corporation, against the person committing such trespasses if judgment is given for the plaintiff, it shall be given for treble the amount of damages claimed, or assessed for the trespass. In any such action, upon plaintiff's proof of his ownership of the premises and the commission by the defendant of any of the acts mentioned in this section, it is prima facie evidence that the acts were committed by the defendant wilfully, intentionally and without plaintiff's consent.

105.815. When double damages are awarded for trespass. If, upon the trial of an action included in ORS 105.810, it appears that the trespass was casual or involuntary, or that the defendant had probable cause to believe that the land on which the trespass was committed was his own or the land of the person in whose service or by whose direction the act was done, or that the trees or timber was taken from uninclosed woodland for the purpose of repairing any public highway or bridge upon the land or adjoining it, judgment shall be given for double damages.

WASHINGTON

Revised Code of Washington, Chapter 64.12:

64.12.030 Injury to or removing trees, etc.-
Damages. A person who injures or removes any tree, timber, or shrub on the premises of another, or on a street or highway in front of a residence or city or town lot, or cultivated grounds, or on public grounds of a city or town or on a street or highway in front thereof, without authority, shall be liable for three times the amount of damages done thereby. (Code 1881 PP 602; 1869 p 143 PP 556; RRS PP939)

64.12.040 Mitigating circumstances - Damages.
If upon the trial of an action arising under RCW 64.12.030, it appears that the trespass was casual or involuntary, or that the defendant had probable cause to believe that the land on which the trespass was committed was his own, or that of the person in whose service or by whose direction the act was done, or that the tree or timber was taken from uninclosed woodlands for the purpose of repairing a public highway or bridge upon the land or adjoining it, judgment shall only be given for single damages. (Code 1881 PP 603; 1869 p 143 PP 557; RRS PP 940)

LEGISLATIVE INTENT SERVICE (800) 666-1917



A-14

AMENDMENTS TO ASSEMBLY BILL NO. 2326

AS AMENDED IN THE ASSEMBLY APRIL 3, 1987

AMENDMENT NO. 1

On page 1, line 8, after "that" insert:

where

AMENDMENT NO. 2

On page 2, line 9, strike out "three" and insert:

five

AMENDMENT NO. 3

On page 2, line 10, after the word "and" strike out the comma and insert a period and strike out the rest of the line.

AMENDMENT NO. 4

On page 2, strike out lines 11 and 12.

LEGISLATIVE INTENT SERVICE (800) 666-1917



A-15

G · K E L T O N S T E E L E

C O M M E R C I A L B U I L D I N G 3 5 0 E S T R E E T E U R E K A , C A L I F O R N I A

April 4, 1957

Hon. Frank P. Belotti
State Capitol
Zone 14

Dear Frank:

We have read and considered with great interest and approval the draft of your Assembly Bill number 2526 on the subject of wrongful injury to timber, and want to tell you we greatly appreciate your efforts in this direction.

This letter is specifically written to tell you that we are eager to help in any way that may be necessary or desirable to attempt to further the passage of this bill, or any similar legislation.

If you want to take time to tell me what this organization may do to assist you, we will certainly do our best to follow-up.

We consider that this trespass thing has become a very dangerous problem, and are most interested in seeing that something is done about it.

Thanking you, I am

Sincerely yours,

G Kelton Steele, Leg Council

G. Kelton Steele

GKS:amh

(800) 666-1917

LEGISLATIVE INTENT SERVICE



A-16

April 13, 1957

Mr. G. Kelton Steele
350 - E Street
Eureka, California

Dear Kelton:

With reference to AB 2526 and your letter of April 4th, you will be interested to know the bill was unanimously approved by the Committee on Judiciary, and within a few days will come up on the floor of the Assembly for debate where I anticipate it will also be approved.

Then, of course, it will go to the Senate where it will be referred to the appropriate committee. With the assistance of Bill Schofield and Senator Carl Christensen the situation is well in hand. However, should it develop that assistance from you is deemed advisable, I will certainly let you know.

Kindest regards,

Sincerely,

FRANK P. BELOTTI

FPB:vfw

A-17

June 7, 1957

Mr. Charles V. Moore
c/o Falk and Falk
350 - E Street
Eureka, California

Dear Charles:

Enclosed for your information is a copy of
AB 2526 relative to timber trespass, which I introduced
for consideration at this session.

The bill has been approved in both houses
and sent to the Governor for his signature. Our good
friend Senator Carl Christensen capably handled this
legislation for me on the floor of the Senate.

Sincerely,

FRANK P. BELOTTI

FPB:vw

Enclosure.

cc Carl Christensen

LEGISLATIVE INTENT SERVICE



A-18

June 7, 1957

Mr. G. Kelton Steele
350 - E Street
Eureka, California

Dear Kelton:

The Senate approved on May 31st the timber trespass bill, AB 2526, and the measure was sent to the Governor on June 4th.

All that now remains is his signature to enact this legislation into law.

Sincerely,

FRANK P. BELOTTI

FPB:vw

LEGISLATIVE SERVICE (0001568)



A-19

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL

COPY

June 7, 1957

REPORT ON ASSEMBLY BILL NO. 2526. BELLETTI.

SUMMARY:

Repeals and adds Sec. 3346, Civ. C., re damages for wrongful injuries to timber, trees, or underwood on land of another, and actions therefor.

Retains provisions fixing measure of damages for wrongful injury to timber, trees, or underwood upon land of another, or removal thereof, at three times actual detriment, and those fixing at actual detriment damages for taking of wood by authority of highway officers, but specifies that such wood must have been used to repair public highway or bridge upon the land or adjoining it, rather than for purposes of a highway.

Eliminates present provision fixing damages for wrongful injuries to timber, trees, or underwood upon land of another to actual detriment where trespass was casual or involuntary or was committed under belief that land belonged to trespasser; and fixes at twice actual detriment the damages for such trespass where casual or involuntary or where trespasser had probable cause to believe that land was his own or land of person in whose service or by whose direction the act was done.

Fixes at actual detriment the damages for trespass committed in actual reliance upon survey of boundary lines which improperly fixes boundary line location, where defendant or his principal, lessor, or immediate predecessor in title procured survey to be made, and survey was made by person licensed under California law to practice land surveying.

Limits period for commencing actions for all specified damages to within 5 years from date of trespass.

(800) 666-1917

LEGISLATIVE INTENT SERVICE



A-20

COPY

Report on Assembly Bill No. 2526 - p. 2

FORM: Approved.

TITLE: Approved.

CONSTITUTIONALITY: Approved.

Ralph S. Ileps
Legislative Counsel

By
Ernest H. Kunzi
Deputy

EHK:bc

LEGISLATIVE INTENT SERVICE (800) 666-1917

LEGISLATIVE INTENT SERVICE



A-21

June 8, 1957

Honorable Goodwin J. Knight
Governor of the
State of California

Dear Gov. Knight:

The Legislature has approved and forwarded to you AB 2526, relating to wrongful injuries to or removal of timber, trees, or underwood upon the land of another.

Mr. William Schofield of the Forest Protective Association will furnish you with further information concerning this legislation.

Sincerely,

FRANK P. BELOTTI

FPB:vfw

LEGISLATIVE INTENT SERVICE (800) 666-1919



A-22

**WESTERN
TIMBER
COMPANY**

June 12, 1957

Hon. Frank P. Belotti
State Capitol, Zone 14

Dear Mr. Belotti:

Kelton has handed me your letter of June 7th which states that timber trespass Bill No. 2526 was approved by the Senate on May 31st and has been sent to the Governor for his signature.

We would like to show our appreciation for your interest and efforts for getting this law passed.

In 1956 I was a member of the Trespass Committee of the Redwood Region Logging Conference and have always been deeply interested in this problem. I am sure that your work will go a long way toward improving the situation.

Very truly yours,

WESTERN TIMBER COMPANY.

Richard B. Stipovich

RBS:amh

Ch 2/24/57

LEGISLATIVE INTENT SERVICE (800) 666-1917



A-23

G · K E L T O N S T E E L E
C O M M E R C I A L B U I L D I N G 3 5 0 E S T R E E T E U R E K A , C A L I F O R N I A

June 14, 1957

Hon. Frank P. Belotti
State Capitol
Sacramento 14, California

Dear Frank:

Thank you very much for your letter of June 7th and the enclosed copy of your Assembly Bill no. 2526.

All of us think that this is an excellent piece of work and wish to thank you and commend you most highly and sincerely.

I wonder if you can tell me if the Bill has been signed by the Governor and when it will become law.

With kindest personal regards, I am as always

Sincerely yours,

G. Kelton Steele, by hand

G. Kelton Steele

GKS:amh

LEGISLATIVE INTENT SERVICE (800) 666-1917



A-24

*Return
for file*

June 20, 1957

Mr. G. Kelton Steele
350 B Street
Eureka, California

Dear Kelton:

Many thanks for your very kind letter of
June 14th.

As of this date, AB 2526 is still awaiting
the Governor's signature. If and when it is signed,
it will then become law as of September 10th.

Sincerely,

FRANK P. BELOTTI

FPB:vfw

LEGISLATIVE INTENT SERVICE (800) 666-1811



A-25

File



GOODWIN J. KNIGHT
GOVERNOR

State of California

GOVERNOR'S OFFICE
SACRAMENTO 14

July 16, 1957

Honorable Frank P. Belotti
Member of the Assembly
P. O. Box 1025
Eureka, California

Dear Assemblyman:

I am happy to inform you
that on July 10 Governor Knight signed
Assembly Bills 2526 and 3843.

Sincerely,

Paul Mason

PM: jm

(800) 666-1917

LEGISLATIVE INTENT SERVICE



A-26

July 19, 1957

Dr. William J. Kerr
Box 338
Blue Lake, California

Dear Dr. Kerr:

In accordance with our conversation during the Board of Forestry meeting in Eureka recently, I am enclosing the two bills which have been signed by the Governor and have to do with trespassing.

These measures will take effect on September 11th.

Sincerely,

FRANK P. BELOTTI

FPB:vfv

Enclosures: AB 2526
4166

LEGISLATIVE INTERIM SERVICE (800) 666-1313



A-27

July 22, 1957

Mr. G. Kelton Steele
350 E Street
Eureka, California

Dear Kelton:

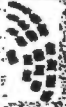
I am sure you will be interested to know
that the Governor has signed the timber trespass bill,
AB 2526, Chapter 2346.

Sincerely,

FRANK P. BELOTTI

FPB:vw

LEGISLATIVE INTERNET SERVICE (800) 556-3171



A-28



DEPARTMENT OF JUSTICE

Office of the Attorney General

SACRAMENTO OFFICE

E. G. SENARD, Assistant Attorney General

December 5, 1957

WILLIAM V. O'CONNOR
Chief Deputy Attorney General

T. A. WESTPHAL, JR.
Chief Assistant Attorney General
Division of Civil Law

THOMAS W. MARTIN
Chief Assistant Attorney General
Division of
Criminal Law and Enforcement

Library and Courts Building
Sacramento

C

Mr. Jessie R. Farr
Attorney in Charge
Office of the General Counsel
United States Department of Agriculture
212 Federal Office Building
San Francisco 2, California

Beck file

O

Subject: Your re: ASH; Timber Trespass, 3346 Civil Code.
File Farr.

Dear Sir:

P

Receipt is acknowledged of letter, your office, dated November 8, 1957, subject as above, in which it is inquired whether a survey performed by the employees of United States Forest Service would suffice to result in actual damages in the event of trespass under new section 3346 of the Civil Code of California, which permits actual damages only in the trespasses made after survey by one "licensed under the laws of this state to practice land surveying".

Y

It is understood that the United States Forest Service has engaged in the practice of having its employees run the lines on its timber sales for the benefit of the purchaser and that those employees are not licensed by this state.

Section 3346 expressly mentions a survey by a person licensed under the laws of this state to practice land surveying. The question, then, raised by the Department of Agriculture appears to be whether implicitly that provision means that a survey may be conducted by an employee of the United States not only if he is not a licensed surveyor, but also if he is not a surveyor at all but merely a United States employee. If such an implication were allowed under the new section, the entire purpose of the amendment would obviously be defeated, for the amendment was made after legislative committee hearings in which the need for a survey by a qualified person was stressed.

Of course, if the federal officers would rather rely on the survey by a U. S. cadastral officer, who may or may not be licensed by the

LEGISLATIVE INTENT SERVICE (800) 666-1917

A-29

state, it seems that they would be adequately protected in contending that they had used due care for the purposes of the Federal Torts Claims Act, and also from the point of view of this statute, insofar as they would be able to furnish evidence from the cadastral office that there was no trespass at all, therefore, no damages.

Sections 8730 and 8731 of the Business and Professions Code merely exempt from the requirement of a state license officers and employees of the United States of America practicing solely as such officers and employees. That section merely exempts the federal personnel in conducting surveys for their own internal purposes. There is no express or implied attempt in section 3346 to include the exempted persons. The same omission of exempted persons occurred in Stats. 1957, ch. 1428, where there was even merit to their inclusion, as is not the case here.

It would appear then that the U. S. Forest Service, to discharge its duty under the Federal Torts Claims Act as well as section 3346, would do well to have the risk of boundaries clearly pointed out to its purchasers of timber as their responsibility, or to have some of its employees qualified with state licenses, or both.

Very truly yours,

EDMUND G. BROWN, Attorney General

By JOHN McERIS,
Deputy Attorney General

JM:mc

LEGISLATIVE INTENT SERVICE (800) 666-1917



A-30

OFFICE OF LEGISLATIVE COUNSEL

COPY

*M. J. ...
Frank*

*AB 2526-1957
(Chapter 2346 State of 1957)*

Sacramento, California
October 30, 1957

Honorable Frank F. Balotti
P. O. Box 1005
Sacramento, California

Wrongful Injury to Timber, Trees or Underwood
Effective Date of Measure of Damages - 1957

Dear Mr. Balotti:

QUESTION

You have directed our attention to Section 3346 of the Civil Code, as repealed and added by Chapter 2346 of the Statutes of 1957, which reads as follows:

3346. (a) For wrongful injuries to timber, trees, or underwood upon the land of another, or removal thereof, the measure of damages is three times such sum as would compensate for the actual detriment, except that where the trespass was annual or involuntary, or that the defendant in any action brought under this section had probable cause to believe that the land on which the trespass was committed was his own or the land of the person in whose service or by whose direction the act was done, the measure of damages shall be twice the sum as would compensate for the actual detriment, and excepting further that where the wood was taken by the authority of highway officers for the purpose of repairing a public highway or bridge upon the land or adjoining it, in which case judgment shall only be given in a sum equal to the actual detriment.

(b) The measure of damages to be assessed against a defendant for any trespass committed while acting in reliance upon a survey of boundary lines which improperly fixes the location of a boundary line, shall be the actual

LEGISLATIVE COUNSEL SERVICE (200) 605-3777

A-31

COPY

Honorable Frank P. Belotti - p. 2 - #557

detriment incurred if both of the following conditions exist:

1. The trespass was committed by a defendant who either himself procured, or whose principal, lessor, or immediate predecessor in title procured the survey to be made; and
2. The survey was made by a person licensed under the laws of this State to practice land surveying.

"(c) Any action for the damages specified by subdivisions (a) and (b) of this section must be commenced within five years from the date of the trespass."

✓ With respect to this section you ask whether the provisions as to the measure of damages would be applicable to damages arising as the result of a cause of action accruing prior to the effective date of the 1957 enactment.

OPINION

✓ It is our opinion that the provisions of Section 3346 of the Civil Code, as repealed and added by Chapter 2346 of the Statutes of 1957, would be applicable to a pending cause of action.

ANALYSIS

Section 3346 of the Civil Code, until the 1957 Session of the Legislature, had remained unamended since 1872 and read as follows:

✓ "For wrongful injuries to timber, trees, or underwood upon the land of another, or removal thereof, the measure of damages is three times such a sum as would compensate for the actual detriment, except where the trespass was casual and involuntary, or committed under the belief that the land belonged to the trespasser, or where the wood was taken by the authority of highway officers for the purposes of a highway; in which cases the damages are a sum equal to the actual detriment."

LEGISLATIVE INTENT SERVICE (800) 666-1917



A-32

COPY

Honorable Frank P. Belotti - p. 3 - #557

A comparison of this section as it originated and the present Section 3346, quoted above, indicates that certain provisions as to measure of damages were retained and others were eliminated from the section as it read prior to its repeal. In addition, new provisions as to measure of damages were added.

While it is the general rule of statutory construction that statutes are not to be given retroactive operation unless the intent to do so is clearly shown (Civ. C. Sec. 3; Brown v. Friesleben Estate Company (1956), 139 Cal. App. 2d 1, 4), it is well settled that the Legislature may change rules of procedure, or remedies, and that such changes operate on existing causes of action (Brown v. Friesleben Estate Company, supra, p. 4) providing they do not deprive a person of a vested right (Argues v. National Superior Company (1945), 67 Cal. App. 2d 763, 778). While procedural changes operate on existing causes of action and thus draw on facts existing prior to the enactment of procedural change, this does not mean that such changes have retroactive effect, since the effect is actually prospective in nature (Brown v. Friesleben Estate Company, supra, p. 5).

In Dent v. Holbrook (1880), 54 Cal. 145, the Supreme Court sustained a recovery of damages based upon an amendment to the Civil Code that was adopted after the commencement of the action but prior to the lower court's judgment, although there was no reasoning given by the court as to its decision. The Supreme Court has since stated, however, that no person has a vested right in a measure of damages, and that there is no constitutional objection to changing a statutory rule of damages, unless the new rule, on its face, deprives the person of every reasonable method of securing just compensation (Feckenscher v. Gamble (1938), 12 Cal. 2d 482, 499). We fail to discern where Section 3346, on its face, deprives a person of a reasonable method of securing just compensation.

Based on the foregoing, we believe that the provisions of Section 3346 of the Civil Code, as repealed and added by Chapter 2346 of the Statutes of 1957, would be applicable to a pending cause of action.

Very truly yours,

/s/ Ralph N. Kleps
Legislative Counsel

By
Selby Brown, Jr.
Deputy

SB/la

A-33

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EXPLANATION OF
ASSEMBLY BILL NO. 2526

The problem of timber trespass is becoming more acute both on private and public lands. The present Civil Code Section 3346 provides for damages triple the amount of the actual detriment, however, this is only allowed when the trespass can be proven to be wilfull. It is almost impossible to prove wilfullness even tho the trespass is admitted by the one charged with the trespass. The result is that the damage award to the injured owner is only a sum equal to the actual detriment. This makes it possible for one who wants a stand of timber to log but cannot buy it from the owner to commit a deliberate trespass and then take a better than even chance of only having to pay the actual detriment if convicted of trespass.

This bill proposes to add an additional provision that double damages ^{to} can be obtained if the trespass is proven even tho it may be casual or involuntary, providing that the accused didnot first obtain a licensed survey of the property line of the adjoining property he is conducting his operations upon. If the trespass is acknowledged or proven as being involuntary or casual and the timber operator has had a survey made of the property line between his operations and the property adjoining, the damage assessed shall then be only the actual amount of the detriment.

This provision is similar to the existing law in Oregon which has proven successful in curbing promiscuous and wholesale timber trespass.



Since much of the timber trespass occurs in areas in which the owner doesnot too often check, the actual trespass may not be discovered until ^{a considerable time has elapsed} ~~some time~~ after the trespass has been made. The present law only permits of the filing of a complaint within one year after the trespass takes place for the prosecution of a wilfull trespass, this bill has provided for the extension to three years of the time within which an action can be filed.

This legislation has been requested from many holders of private timber as well as the United States Forest Service and the United States Department of Interior, Bureau of Land Management.

Herewith are the present Statutes covering timber trespass in California. Also copies of the timber trespass laws of Oregon and Washington.

Please retain for use of author's Senator when prosecuting on Senate side
JRS

LEGISLATIVE JOINT SERVICE (800) 666-1917



A-35

TRESPASS

CALIFORNIA

Penal Code

Section 602. Trespasses upon lands enumerated: Misdemeanor.

Every person who wilfully commits any trespass by either:

- (a) Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another;
 - (b) Carrying away any kind of wood or timber lying on such lands;
 - (c) Maliciously injuring or severing from the freehold of another anything attached thereto, or the produce thereof;
 - (d) - (e) - (f) - (g) - (h) - (i) - (j) - (k) - (l) - (m);
- is guilty of a misdemeanor.

Civil Code

Section 3346. Injuries to trees, etc.

For wrongful injuries to timber, trees, or underwood upon the land of another, or removal thereof, the measure of damages is three times such a sum as would compensate for the actual detriment, except where the trespass was casual and involuntary, or committed under the belief that the land belonged to the trespasser, or where the wood was taken by the authority of highway officers for the purposes of a highway; in which cases the damages are a sum equal to the actual detriment.

*This Code Section
to be amended
Proposed by AB 2526*

Code Civil Procedure

Section 733. Trespass for cutting or carrying away trees, etc., actions for: (Tresble damages).

Any person who cuts down or carries off any wood or underwood, tree, or timber, or girdles or otherwise injures any tree or timber on the land of another person, or on the street or highway in front of any person's house, village, or city lot, or cultivated grounds; or on the commons or public grounds of any city or town, or on the street or highway in front thereof, without lawful authority, is liable to amount of damages which may be assessed, therefore, in a civil action, in any court having jurisdiction.

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A-36

WASHINGTON

Revised Code of Washington, Chapter 64.12:

§64.12.030 Injury to or removing trees, etc. - Damages. A person who injures or removes any tree, timber, or shrub on the premises of another, or on a street or highway in front of a residence or city or town lot, or cultivated grounds, or on public grounds of a city or town or on a street or highway in front thereof, without authority, shall be liable for three times the amount of damages done thereby. [Code 1881 § 602; 1869 p 143 § 556; RRS § 939.]

§64.12.040 Mitigating circumstances - Damages. If upon the trial of an action arising under RCW 64.12.030, it appears that the trespass was casual or involuntary, or that the defendant had probable cause to believe that the land on which the trespass was committed was his own, or that of the person in whose service or by whose direction the act was done, or that the tree or timber was taken from uninclosed woodlands for the purpose of repairing a public highway or bridge upon the land or adjoining it, judgment shall only be given for single damages. [Code 1881 § 603; 1869 p 143 § 557; RRS § 940.]

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Washington

A-37

OREGON

Oregon Revised Statutes (1955) Chapter 105:

§105.810. Treble damages for injury to or removal of produce, trees or shrubs. Except as provided in ORS 477.310, whenever any person, without lawful authority, wilfully injures or severs from the land of another any produce thereof or cuts down, girdles or otherwise injures or carries off any tree, timber or shrub on the land of another person, or of the state, county, United States or any public corporation, or on the street or highway in front of any person's house, or in any village, town or city lot, or cultivated grounds, or on the common or public grounds of any village, town or city, or on the street or highway in front thereof, in an action by such person, village, town, city, the United States, state, county, or public corporation, against the person committing such trespasses if judgment is given for the plaintiff, it shall be given for treble the amount of damages claimed, or assessed for the trespass. In any such action, upon plaintiff's proof of his ownership of the premises and the commission by the defendant of any of the acts mentioned in this section, it is prima facie evidence that the acts were committed by the defendant wilfully, intentionally and without plaintiff's consent.

§105.815. When double damages are awarded for trespass. If, upon the trial of an action included in ORS 105.810, it appears that the trespass was casual or involuntary, or that the defendant had probable cause to believe that the land on which the trespass was committed was his own or the land of the person in whose service or by whose direction the act was done, or that the tree or timber was taken from uninclosed woodland for the purpose of repairing any public highway or bridge upon the land or adjoining it, judgment shall be given for double damages.

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OREGON

A-38



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

IN REPLY REFER TO:

Area Forestry:IGI

Area 1
Interior Building
P. O. Box 3861
Portland 3, Oregon

July 26, 1957

Assemblyman Frank P. Belotti
P. O. Box 1025
Eureka, California

Dear Mr. Belotti:

We have just received from our California State Office at Sacramento a copy of California Assembly Bill No. 2526 which becomes law on September 10, 1957. We understand you sponsored this bill.

As you may know, the Bureau of Land Management has an extremely serious timber trespass situation on forested public domain lands in northern California. Over past years this has resulted in loss to the Government of valuable timber worth many thousands of dollars.

With single stumpage generally the required payment for timber stolen if the culprits are found or unless criminal intent could be proved, the former timber trespass legislation was largely an open invitation to unscrupulous loggers to help themselves.

This new legislation should do much to ease the timber trespass problem on all forested lands in California. Our thanks and our congratulations to you for your successful efforts resulting in improved timber trespass legislation.

Sincerely yours,

James F. Dafe
Area Administrator

cc: California State Office

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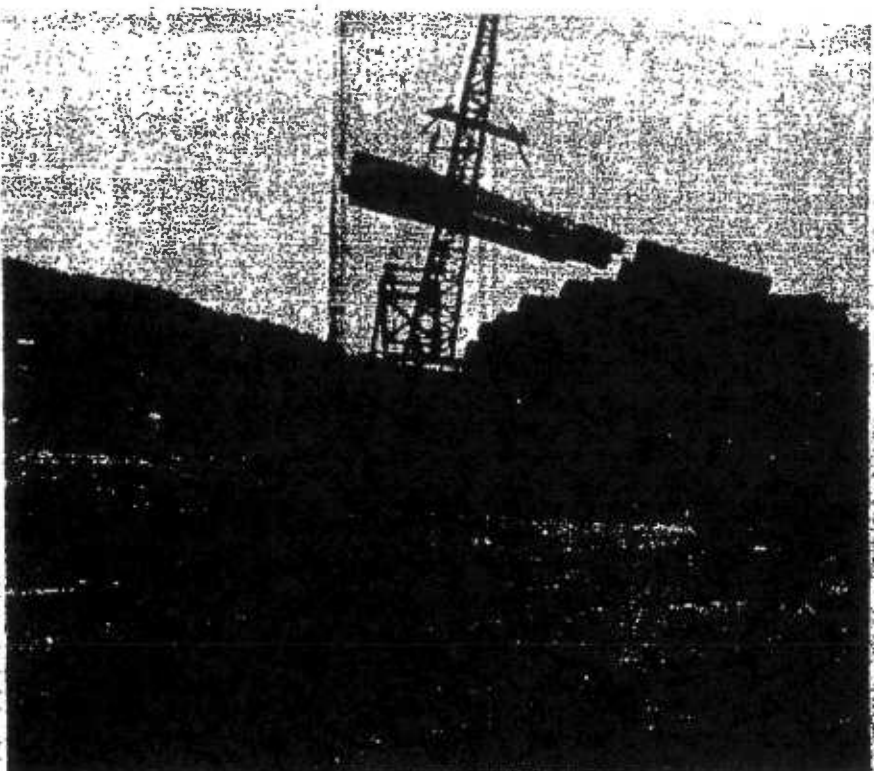


A-39

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PL Cold Deck at Scotia Grows and Grows

The Pacific Lumber company at Scotia has cold-decked approximately 20 million feet of redwood and fir logs in fields adjacent to the Scotia Ball Park. The huge

derrick lifts an entire truck load of logs in a single operation. Each trailer is lifted onto the truck in piggy-back style before leaving the scene.

stumpage could be imposed by the Courts. It is my understanding that the damaged party could also ask for the conversion value of the logs removed from his property, or the market value of the lumber produced therefrom.
The great rise in timber values during the past few years, have almost made it mandatory to have some change made in the old law. In the old days timber values were much lower and timber was readily available to the smaller operator, so we did not have such a great trespass problem as has come

to exist in the past few years. Under the old law the Courts had pretty fairly established that if someone made any kind of an attempt to mark out a boundary line, whether it be done by a licensed surveyor, the land owner himself, or some other person without a license, then he had pretty much shown that he had not willfully trespassed.
This resulted in a very bad situation as land surveying is a complicated profession, and many errors were made, both innocently and willfully. This resulted in many people being hurt by the loss of timber.
The new law should do much toward preventing amateur land surveying.
Under the old law triple damages could be assessed by the Courts for willful trespass. But, as stated above, it is a very rare thing that such judgments have been rendered.
I am strongly of the opinion that when a logger or timber owner files application with

Lumber Shipments Above Production

WASHINGTON — Lumber shipments of 474 reporting mills were 7% above production for the week ended July 13, according to the National Lumber Manufacturers Association. New orders ran 15.8% above production in the same week.
Production was 16.2% below that of the like year-ago week, while shipments trailed the '56 period by 4.9%. New orders were 1.5% under last year's week.



Eureka Newspapers, Inc., Sun

**W. W. Clarke
New Simpson
Co. Editor**

William W. Clarke joined the Simpson Redwood company this month as editor of the Redwood Cone, the firm's house organ. He came here after five years of newspaper work with the two jointly-owned newspapers, the Yakima Morning Herald and the Yakima Daily Republic.
He wrote and reported the activities of law enforcement agencies, city government, county government and superior courts.

During World War II he was attached to the forestry unit of the Army engineers, where he absorbed part of his background in the lumber industry. The unit to which he was attached, logged in the jungles of the Pacific where they produced lumber with a portable sawmill.
For a year and a half in

Production was 16.2% below that of the like year-ago week, while shipments trailed the '56 period by 4.9%. New orders were 1.5% under last year's week.

EXCLUSIVE!

↓

LECTORY
NTATIVE

Very truly yours,
WESTERN TIMBER CO.
Richard B. Stipovich,
Committee on Timber Trespass 1956, Redwood Region Logging Conference.
RBS:amh

INDL
★ Steam ★
All Sizes Cut

CALVIN WILSON
24 W. Wabash

A-41

If You Want a

CALIFORNIA FOREST PROTECTIVE ASSOCIATION



681 MARKET ST., SAN FRANCISCO 5, CALIF., SUTTER 1-4832

July 31, 1957

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First Vice President
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Second Vice President
- C. EVELLI JOHNSON
Third Vice President
- W. B. SCHOFER
Secretary and Treasurer

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- E. J. CARLSON

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- J. C. KALENBERG

Mr. Richard Stipevich
Western Timber Company
350 E Street
Eureka, California

Dear Mr. Stipevich:

I was interested in your letter to the Eureka Newspapers, Inc. printed in the Log and Saw of the Humboldt Times for Sunday, July 28, 1957.

Your coverage of the provisions of the new law on timber trespass is quite complete and certainly should be informative to the timber owners, however, there are some slight inaccuracies in your statement which I would like to call to your attention.

Assembly Bill 2526 which is Chapter 2366, Statutes of 1957 becomes operative as of September 11, 1957.

The original bill was drafted by California Forest Protective Association and Assemblyman Frank Belotti very kindly introduced the measure for us. During the course of the progress of this legislation through the two houses of the Legislature, a number of suggested amendments were received by us and by Assemblyman Belotti. Some of these suggested amendments could not be incorporated in the proposed law as such proposals would never have been approved by the legislative houses even though they may have had considerable merit. The bill was originally patterned after the Oregon law and was later amended to include the provisions relative to the protection of an involuntary trespass through the requirements for a licensed survey of a boundary between properties. This was the only amended change of the bill until it reached the Senate Committee when, at the suggestion of Senator Christensen, a word change was added and the time for action for damages caused by trespass was amended to read that such action must be commenced within "five years from the date of the trespass" instead of three years from the date of the trespass or three years from the date of discovery of the trespass.

(800) 666-1917

LEGISLATIVE INTENT SERVICE



"KEEP CALIFORNIA GREEN" BE CAREFUL WITH FIRES

A-42

Mr. Richard Stipovich

- 2 -

July 31, 1957

You make mention in your letter to the Eureka Newspaper, Inc. to the inadequacy and inefficiency of boundary surveys inferring that a boundary survey might be made which was inaccurate by a person making the survey for the owner who was not a licensed surveyor. May I call to your attention that under the licensing laws for engineers and land surveyors, one who performs such surveys who is not a licensed surveyor is in violation of the law and can be prosecuted under the provisions of the Business and Professions Code.

I would also like to comment on your closing statement suggesting that an applicant for a permit to commence a logging operation should be required to file a map showing that a licensed survey had been made of the property upon which the operation was to take place or that an affidavit by a licensed surveyor or licensed engineer be filed showing that the boundaries of such property had been properly surveyed.

I can heartily agree with you that this would be a very efficient way of preventing deliberate trespass, but I wish to point out that such a provision in the Forest Practice Act would be contrary to the policy and purposes of the Act. The purposes of the California Forest Practice Act are to promote the continuous production of timber on timber growing lands in the State of California to the end that there will be a continuous supply of raw material for conversion into forest products. The Forest Practice Act is not a catch-all for the enforcement of violations which might occur in a regulated timber operation. I stress this point because there seems to be a misunderstanding by a large number of land owners, particularly in Humboldt County, that trespass, violations of contracts, stream clearance, etc. etc. should all be regulated through the Forest Practice Act. Such violations of property rights are general conservation and have to be taken care of by other means and cannot become a part of the Forest Practice Act as such.

You might also be interested to know and it might be of interest to other land owners in Humboldt County that a general trespass law change was made in the passage of Assembly Bill 4166, now Chapter 2013 of the Statutes of 1957 which was introduced by Assemblyman Hinton providing that a person is forbidden to enter enclosed land of another, or enter any lands cultivated or enclosed by a fence, or lands uncultivated or not enclosed where signs forbidding trespass are displayed at proper intervals, without the written permission of the owner of such land. Discharging any firearm or refusing or failing to leave such land at the request of the owner of such land, destroying signs or removing or impairing improvements on such lands is punishable as a misdemeanor.

I trust that the law enacted in these two measures of legislation will accomplish the purpose of respecting property rights as well as curb prodigious timber trespass.

Very sincerely yours,

W. R. Schofield
Secretary-Manager

WRS:bt

A-43

LEGISLATIVE INTENT SERVICE (800) 666-1917



IN REPLY REFER TO:
C.03a

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
STATE OFFICE
Room 801 - California Fruit Building
Fourth and J Streets
Sacramento 14, California

JUL 31 1957

Hon. Frank P. Belotti
The State Assembly
California Legislature
Room 3111 - State Capitol
Sacramento 14, California

Dear Mr. Belotti:

We consider Assembly Bill No. 2526, which you sponsored, to be a momentous accomplishment in timber legislation in California. California timber owners have long suffered under the effects of Section 3346 of the Civil Code as previously interpreted by the courts, which literally invited trespass. The unscrupulous logger could heretofore flauntingly butcher another's timber with impunity from consequences more serious than possible payment for the stumpage. The bulging trespass files of the Bureau of Land Management will attest to this unfortunate situation.

We sincerely feel that the new law which will go into effect September 10, 1957, will serve as an effective deterrent to careless timber trespass and low quality property line identification in California. We are genuinely appreciative of your efforts and the action of the legislature.

Sincerely yours,

R. R. Bird
State Supervisor

LEGISLATIVE INTENT SERVICE (800) 666-1917



A-44

August 7, 1957

Mr. James F. Doyle
Area Administrator
Area 1, Interior Building
P. O. Box 3861
Portland 8, Oregon.

Dear Mr. Doyle:

Thank you very much for your letter of July 26th relative to my AB 2526 which is now Chapter 2346.

This measure was the result of considerable work done during the past few years in cooperation with Mr. William Schofield, the Legislative Advocate for the California Forest Protective Association. It is legislation that was long overdue and I am pleased the Governor saw fit to sign the bill into law.

Sincerely,

Frank P. Belotti

FFB:jw

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A-45

August 14, 1957

Mr. James Cloney
Broadway and Pacific Avenues
Eureka, California

Dear Mr. Cloney:

In accordance with Mr. Belotti's instructions, I am enclosing herewith copies of AB 4166 relating to trespasses.

Sincerely,

Vivian Wherley
Secretary

Enclosures

(800) 666-1917

LEGISLATIVE INTENT SERVICE



A-46

September 16, 1957

Mrs. George Herrick
Lolita
California

Dear Mrs. Herrick:

Enclosed is a copy of AB 4166 making changes in the trespass law, which became effective on the 11th of this month. The changes as provided in this measure will go a long way toward correcting the many abuses with which the property owners have been faced, and I trust it meets with your entire approval.

It was nice seeing you at the Chamber of Commerce meeting Thursday night, where I got the impression the protests registered by the local people will eventually be conducive to the desired results.

Sincerely,

FRANK P. BELOTTI

FFB:vfw

Enclosure

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A-47

ASSEMBLY BILL NO. 2526

CHAPTER 2316

1957

AUTHOR Belatti
RECEIVED 6/4 1957
LAST DAY 7/17 1957
ACTION OF GOVERNOR 7/10 1957

Date JUN 5 1957
REQUESTS FOR DIGESTS
Legislative Council Attorney General

- RECOMMENDATIONS
- Affiliated Teachers Org. of L. A.
 - Agricultural Council
 - American Legion
 - Associated Sportsmen
 - Association of Car. & Surety Cos.
 - Automobile Club of So. Calif.
 - Board of Sup. County
 - Calif. Assn. of Hwy. Patrolmen
 - Calif. Assn. of Insurance Agents
 - Calif. Congress of P. and T.
 - California Farm Bureau Fed.
 - California Farmers
 - Calif. Insurance Con.
 - Calif. Manufacturers Assn.
 - Calif. Newspapers Association
 - California Real Estate Assn.
 - California Retail Assn.
 - California Savings and Loan L.
 - California School Board Assn.
 - California State Auto. Assn.
 - Calif. State Chamber of Com.
 - California State Fed. of Labor
 - California State Sheriff's Assn.
 - California Taxpayers Assn.
 - California Teachers Association
 - Calif. West. States Life Ins. Co.
 - CIO
 - County Assessors
 - County Clerks' Association
 - County Supervisors Association
 - County Tax Collector Assn.
 - C.S.E.A.
 - Disabled American Veterans
 - District Attorneys Assn.
 - Grand Jury County
 - Injunction Districts Association
 - Judges, Marriages and Con. Assn.
 - League of California Cities
 - League of Women Voters
 - Motor Vehicle Advisory Com.
 - Organized Sportsmen of Calif.
 - Pacific Tel. & Tel.
 - Peace Officers Assn. of Calif.
 - Public Health League
 - Registrar of Voters, L. A.
 - Registrar of Voters, S. F.
 - Recruiters Assn.
 - School Superintendents Assn.
 - Sportsmen Council of Cen. Calif.
 - State Chamber of Commerce
 - State Grange
 - Taxpayers Assn.
 - United Air Lines
 - Veterans of Foreign Wars
 - Adjutant General
 - Aeronautics Commission
 - Agriculture
 - Alcoholic Beverage Control
 - Banks
 - California State Fair and Ex.
 - Civil Defense
 - Compensation Insurance Fund
 - Controller
 - Corporation Commission
 - Corrections
 - Criminal Identification
 - Education
 - Employer Retirement
 - Employment
 - Equalization
 - Finance
 - Fire Marshal
 - Fish and Game
 - Franchise Tax Board
 - Highway Patrol
 - Industrial Accident Commission
 - Industrial Relations
 - Insurance
 - Judicial Council
 - Legislative Auditor
 - Law Revision Commission
 - Mental Hygiene
 - Motor Vehicle
 - Natural Resources
 - Personnel Board
 - Professional and Voc. Stds.
 - Public Health
 - Public Utilities Commission
 - Public Works
 - Real Estate
 - Reclamation Board
 - Recreation Commission
 - Savings and Loan Commission
 - Secretary of State
 - Social Welfare
 - State Bar
 - State Lands Commission
 - Treasurer
 - Veterans Affairs
 - Water Pollution Control Board
 - Water Resources
 - Youth Authority

LIS - 7

PP



LEGISLATIVE INTENT SERVICE (800) 666-1917

To: Honorable Goodwin J. Knight
Governor of California Bill Report

From: Office of the Attorney General A.B. No. 2526

By John Morris,
Attorney General June 6, 1957.

We have examined the above bill and find no substantial legal objection thereto.



JM:mc

2025 RELEASE UNDER E.O. 14176

PE-2



LEGISLATIVE INTENT SERVICE (800) 666-1917

RALPH N. KLEPS
LEGISLATIVE COUNSEL
CHARLES W. JOHNSON
CHIEF DEPUTY
ANGUS C. MORRISON
GEORGE H. MURPHY
PRINCIPAL DEPUTIES
OWEN K. KUNS
DEPUTY IN CHARGE
LOS ANGELES OFFICE



STATE OF CALIFORNIA
Office of Legislative Counsel

3021 STATE CAPITOL, SACRAMENTO 14
311 STATE BUILDING, LOS ANGELES 12

June 7, 1957

LAWRENCE G. ALLYN
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HARRIETT R. BUMLER
BARBARA C. CALAIS
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RYAN M. POLSTRA
EDWARD K. PURCELL
RAY H. WHITAKER
ROSE WOODS
DEPUTIES

REPORT ON ASSEMBLY BILL NO. 2526. BELOTTI.

SUMMARY:

Repeals and adds Sec. 3346, Civ. C., re damages for wrongful injuries to timber, trees, or underwood on land of another, and actions therefor.

Retains provisions fixing measure of damages for wrongful injury to timber, trees, or underwood upon land of another, or removal thereof, at three times actual detriment, and those fixing at actual detriment damages for taking of wood by authority of highway officers, but specifies that such wood must have been used to repair public highway or bridge upon the land or adjoining it, rather than for purposes of a highway.

Eliminates present provision fixing damages for wrongful injuries to timber, trees, or underwood upon land of another to actual detriment where trespass was casual or involuntary or was committed under belief that land belonged to trespasser; and fixes at twice actual detriment the damages for such trespass where casual or involuntary or where trespasser had probable cause to believe that land was his own or land of person in whose service or by whose direction the act was done.

Fixes at actual detriment the damages for trespass committed in actual reliance upon survey of boundary lines which improperly fixes boundary line location, where defendant or his principal, lessor, or immediate predecessor in title procured survey to be made, and survey was made by person licensed under California law to practice land surveying.

Limits period for commencing actions for all specified damages to within 5 years from date of trespass.

(800) 668-1917

LEGISLATIVE INTENT SERVICE



PE-3


Report on Assembly Bill No. 2526 - p. 2

FORM: Approved.

TITLE: Approved.

CONSTITUTIONALITY: Approved.

Ralph N. Kleps
Legislative Counsel


By
Ernest H. Kunzi
Deputy

ENK:bc

LEGISLATIVE INTENT SERVICE (800) 666-1917



PE-4

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 3601 West Olive Avenue, 8th Floor, Burbank, California 91505-4681.

On December 6, 2017, I served true copies of the following document(s) described as **EXHIBITS TO MOTION FOR JUDICIAL NOTICE (2 VOLUMES)** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Horvitz & Levy LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling) as indicated on the attached service list:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 6, 2017, at Burbank, California.



Connie Christopher

SERVICE LIST
Scholes v. Lambirth Trucking Company
S241825

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Trial Judge
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California Court of Appeal
Third Appellate District
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Sacramento, CA 95814

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