

# REGENTS' MANUAL

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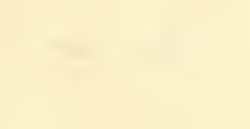






# THE HISTORY OF THE

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[Variation in the size of the type used in this MANUAL is intended to promote convenience of reference and implies no difference in the importance of the subject matter.]



UNIVERSITY OF CALIFORNIA

# REGENTS' MANUAL

OF

ENDOWMENTS, FOUNDATIONS, AGREEMENTS, LAWS,  
AND ORDERS GOVERNING THE UNIVERSITY

[REVISED EDITION]



BERKELEY  
THE UNIVERSITY PRESS

1904



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PART I

ROLL OF REGENTS



## EX OFFICIO REGENTS.

## GOVERNORS.

H. H. HAIGHT,	1868
NEWTON BOOTH,	1871
ROMUALDO PACHECO,	1875
WILLIAM IRWIN,	1875
GEORGE C. PERKINS,	1880
GEORGE STONEMAN,	1883
WASHINGTON BARTLETT,	1887
R. W. WATERMAN,	1887
H. H. MARKHAM,	1891
JAMES H. BUDD,	1895
HENRY T. GAGE,	1899
GEORGE C. PARDEE,	1903

## LIEUTENANT-GOVERNORS.

WILLIAM HOLDEN,	1868
ROMUALDO PACHECO,	1871
WILLIAM IRWIN,	1875
JAMES A. JOHNSON,	1875
JOHN MANSFIELD,	1880
JOHN DAGGETT,	1883
R. W. WATERMAN,	1887
STEPHEN M. WHITE,	1887
J. B. REDDICK,	1891
WILLIAM T. JETER,	1895
JACOB H. NEFF,	1899
ALDEN ANDERSON,	1903

## SPEAKERS OF THE ASSEMBLY.\*

C. T. RYLAND,	1868
GEORGE H. ROGERS,	1869
THOMAS B. SHANNON,	1871
M. M. ESTEE,	1873
G. J. CARPENTER,	1875
C, P. BERRY,	1877
J. F. COWDERY,	1880
W. H. PARKS,	1881, 1885
H. M. LARUE,	1883
W. H. JORDAN,	1887
ROBERT HOWE,	1889
FRANK L. COOMBS,	1891
F. H. GOULD,	1893
J. C. LYNCH,	1895
ALDEN ANDERSON,	1899
CORNELIUS W. PENDLETON,	1901
ARTHUR G. FISK,	1903

## STATE SUPERINTENDENTS OF PUBLIC INSTRUCTION.

O. P. FITZGERALD,	1868
H. W. BOLANDER,	1871
EZRA S. CARR,	1875
F. M. CAMPBELL,	1880
W. T. WELCKER,	1883
IRA. G. HOITT,	1887
J. W. ANDERSON,	1891
SAMUEL T. BLACK,	1895
C. T. MEREDITH,	1898
THOMAS J. KIRK,	1899

\* [RELATIVE TO THE MEMBERSHIP OF THE SPEAKER OF THE ASSEMBLY  
PRO TEMPORE.

\*\*\* I conclude, therefore, that the Speaker *pro tem.* of the Assembly has not become a member of the Board of Regents of the University of California, by reason of the resignation of the former Speaker.

(Minutes, Feb. 9, 1904.)

U. S. WEBB,  
Attorney General.]

PRESIDENTS OF THE STATE AGRICULTURAL SOCIETY.

CHARLES F. REED,	1868
R. S. CAREY,	1873
MARION BIGGS,	1877
M. D. BORUCK,	1878
H. M. LARUE,	1879-80, 1882
J. McM. SHAFER,	1881
P. A. FINIGAN,	1883
J. D. CARR,	1885
L. U. SHIPPER,	1887
CHRISTOPHER GREEN,	1889
FREDERICK COX,	1891
JOHN BOGGS,	1893
C. M. CHASE,	1895
ADOLPH B. SPRECKELS,	1898
BENJ. F. RUSH,	1904

PRESIDENTS OF THE MECHANICS' INSTITUTE.

ANDREW S. HALLIDIE,	1868, 1893
IRVING M. SCOTT,	1878
P. B. CORNWALL,	1880
DAVID KERR,	1889
IRWIN C. STUMP,	1892
ERNST N. DENICKE,	1896
SAMUEL C. IRVING,	1901
RUDOLPH J. TAUSSIG,	1902

PRESIDENTS OF THE UNIVERSITY.

<i>Henry Durant</i> DANIEL C. GILMAN,	1870-72 1872-1875
JOHN LeCONTE,	1876-1881
W. T. REID,	1881-1885
EDWARD S. HOLDEN,	1885-1888
HORACE DAVIS,	1888-1890
MARTIN KELLOGG,	1893-1899
BENJAMIN IDE WHEELER,	1899-

## HONORARY REGENTS.

ISAAC FRIEDLANDER,	1868-1869
EDWARD TOMPKINS,	1868-1872
J. MORA MOSS,	1868-1880
S. F. BUTTERWORTH,	1868-1873
ANDREW J. MOULDER,	1868-1868
A. J. BOWIE,	1868-1880
FREDERICK F. LOW,	1868-1868
JOHN B. FELTON,	1868-1877
JOHN S. HAGER,	1868-1890
WILLIAM C. RALSTON,	1868-1875
LOUIS SACHS,	1869-1875
HENRY H. HAIGHT,	1872-1876



## APPOINTED REGENTS.

SAMUEL MERRITT,	1868-1874
JOHN T. DOYLE,	1868-1872
RICHARD P. HAMMOND,	1868-1873
JOHN W. DWINELLE,	1868-1874
HORATIO STEBBINS,	1868-1894
LAWRENCE ARCHER,	1868-1880
WILLIAM WATT,	1868-1871
SAMUEL BELL MCKEE,	1868-1883
J. WEST MARTIN,	1871-1899
JOHN F. SWIFT,	1872-1888
ANDREW S. HALLIDIE, 1873-4;	1876-1900
JOSEPH W. WINANS,	1873-1887
WILLIAM MEEK,	1874-1876
J. M. HAMILTON,	1874-1876
D. O. MILLS,	1874-1881
FRANK M. PIXLEY,	1875-1880
WILLIAM T. WALLACE,	1875-1902
JOHN L. BEARD,	1876-1892
EUGENE CASSERLEY,	1876-1880
GEORGE DAVIDSON,	1877-1884
A. L. RHODES,	1880-1888
B. B. REDDING,	1880-1882
WILLIAM ASHBURNER,	1880-1887
JOHN BIDWELL,	1880-1880
TIMOTHY G. PHELPS,	1880-1899
N. GREENE CURTIS,	1880-1883
ISAIAS W. HELLMAN,	1881-
LELAND STANFORD,	1882-1883
GEORGE T. MARYE,	1883-1898
ARTHUR RODGERS,	1883-1902

## UNIVERSITY OF CALIFORNIA.

GEORGE J. AINSWORTH,	1883-1895
W. S. ROSECRANS,	1884-1885
D. M. DELMAS,	1885-1892
ALBERT MILLER,	1887-1900
COLUMBUS BARTLETT,	1887-1896
CHARLES F. CROCKER,	1888-1897
JAMES F. HOUGHTON,	1888-1903
LOUIS SLOSS,	1890-1891
CHESTER A. ROWELL,	1891-
JAMES A. WAYMIRE,	1891-
HENRY S. FOOTE,	1892-1900
CHARLES W. SLACK,	1894-
JACOB B. REINSTEIN,	1895-
JOHN E. BUDD,	1896-
Mrs. PHOEBE A. HEARST,	1897-
JAMES D. PHELAN,	1898-1899
W. H. L. BARNES,	1899-1902
GEORGE C. PARDEE,	1899-1903
STEPHEN M. WHITE,	1899-1901
ARTHUR W. FOSTER,	1900-
GARRET W. McENERNEY,	1901-
CHARLES N. ELLINWOOD,	1901-
CHARLES S. WHEELER,	1902-
GUY C. EARL,	1902-
PETER C. YORKE,	1902-
JAMES W. MCKINLEY,	1903-
JOHN A. BRITTON,	1903-
FREDERICK W. DOHRMANN,	1903-

**PART II**

**FEDERAL AND STATE LEGISLATION**



## CHAPTER I.

## THE ORGANIC ACT.

[It will be noted that the Organic Act is here set out as originally passed except where specially amended. In that case the amendment is given. The sections of the Political Code are printed in smaller type after the section on which they were based, and for the following reason: after the passage of the Organic Act in 1868 it was codified with several modifications and embodied in the Political Code in 1872. According to Section 18 Pol. C. this worked a repeal and abrogation of the entire Organic Act. The State Constitution, ratified in 1879, by Art. IX, Sec. 9, (page 66) provided that the organization and government of the University should be perpetually continued in the form and character prescribed by the Organic Act as amended. This has revived the Organic Act and its amendments, and made it, as amended, irrevocable as to its fundamental plan.]

**An Act to create and organize the University of California.**

[Approved March 23, 1868. Stats. 1867-8: 248.]

SECTION 1. A State University is hereby created, pursuant to the requirements of Section four, Article nine, of the Constitution of the State of California, and in order to devote to the largest purpose of education the benefaction made to the State of California under and by the provisions of an Act of Congress passed July second, eighteen hundred and sixty-two, entitled an Act donating land to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts. The said University shall be called the University of California, and shall be located upon the grounds heretofore donated to the State of California by the President and Board of Trustees of the College of

Creation of the  
University.

At Berkeley

Under control  
of Regents

to provide  
complete  
education

and to consist  
of various  
Colleges

California. The said University shall be under the charge and control of a Board of Directors, to be known and styled "The Regents of the University of California." The University shall have for its design, to provide instruction and complete education in all the departments of science, literature, art, industrial and professional pursuits, and general education, and also special courses of instruction for the professions of agriculture, the mechanic arts, mining, military science, civil engineering, law, medicine and commerce, and shall consist of various colleges, namely:

*First*—Colleges of Arts.

*Second*—A College of Letters.

*Third*—Such professional and other colleges as may be added thereto or connected therewith.

POL. CODE SEC. 1385. The University of California, located in Alameda County, has for its object general instruction and education in all the departments of science, literature, art, industrial and professional pursuits, and special instruction for the professions of agriculture, the mechanic arts, mining, military science, civil engineering, law, medicine, and commerce.

POL. C. SEC. 1386. There must be maintained in the University:

1. A College of Letters.
2. A College or Colleges of Science, including Agriculture, Mechanics, Mining, Engineering, Chemistry, and such other specialties as the Board of Regents may determine.
3. Colleges of Medicine and Law.
4. Such other Colleges as the Board of Regents may establish.

Under subdivision 4 the Regents find authority to accept the Lick Observatory and to make it a part of the University.

See Report of Law Committee, SECRETARY'S REPORT, 1887: 75.

See notes to Sec. 12 of the Organic Act, page 30.

The Organic Act creates the University a public corporation, with the Regents a corporate entity to be considered a part of, and ancillary

to, the parent and principal institution. The property of the University is left with it, and the custody and control of that property is given to the Regents.

Estate of Royer, 123 Cal. 615.

The Regents are not public officers. See page 28.

SEC. 2. Each full course of instruction shall consist of its appropriate studies, and shall continue for at least four years, and the faculty, instructors and body of students in each course shall constitute a college, to be designated by its appropriate name. For this purpose there shall be organized as soon as the means appropriated therefor shall permit —

Each course  
to continue  
four years

*First*—The following Colleges of Arts: A State College of Agriculture; a State College of Mechanic Arts; a State College of Mines; a State College of Civil Engineering; and such other Colleges of Arts as the Board of Regents may be able and find it expedient to establish.

Names of  
Colleges

*Second*—A State College of Letters.

*Third*—Colleges of Medicine, Law and other like professional colleges.

POL. C. SEC. 1387. The College of Letters must embrace a liberal course of instruction in language, literature and philosophy.

POL. C. SEC. 1388. Each full course of instruction consists of its appropriate studies and courses, to be determined by the Board of Regents.

This section (2) has been interpreted by the Regents, as follows:

According to law and the rules of the Regents there is nothing which forbids the recognition of departments in the University.

There are colleges and courses now established at Berkeley. A college is simply a course.

Each college and each course consists of the faculty instructors and body of students.

Each college and course embraces several departments. Thus the College of Letters includes the Department of Physics, Mathematics, English, etc.

A department is properly defined as the professors and instructors teaching a given subject, or a group of allied subjects.

SECRETARY'S REPORT, 1886: 5.

Degree for  
each College

Also a partial  
course

Courses at  
large open to  
residents  
14 years old

SEC. 3. A proper degree of each college shall be conferred at the end of the course upon such students as, having completed the same, shall, at the annual examination, be found proficient therein; but each college shall also have a partial course for those who may not desire to pursue a full course therein; and any resident of California, of the age of fourteen years or upwards, of approved moral character, shall have the right to enter himself in the University as a student at large, and receive tuition in any branch or branches of instruction at the time when the same are given in their regular course, on such terms as the Board of Regents may prescribe. The said Board of Regents shall endeavor so to arrange the several courses of instruction that the students of the different colleges and the students at large may be largely brought into social contact and intercourse with each other by attending the same lectures and branches of instruction.

POL. C. SEC. 1402. The proper degree of each college must be conferred at the end of the course upon such students as, having completed the same, are found proficient therein.

POL. C. SEC. 1392. Any resident of California, of the age of fourteen years or upwards, of approved moral character, may enter himself in the University as a student at large, and receive tuition in any branches of instruction at the time when the same are given in their regular course, on such terms as the Board of Regents may prescribe.



SEC. 4. The College of Agriculture shall be first established; but in selecting the professors and instructors for the said College of Agriculture, the Regents shall, so far as in their power, select persons possessing such acquirements in their several vocations as will enable them to discharge the duties of professors in the several Colleges of Mechanic Arts, of Mines and of Civil Engineering, and in such other colleges as may be hereafter established. As soon as practicable a system of moderate manual labor shall be established in connection with the Agricultural College, and upon its agricultural and ornamental grounds, having for its object practical education in agriculture, landscape gardening, the health of the students, and to afford them an opportunity by their earnings, of defraying a portion of the expenses of their education. These advantages shall be open in the first instance to students in the College of Agriculture, who shall be entitled to a preference in that behalf.

College of  
Agriculture

Manual Labor

POL. C. SEC. 1404. A system of moderate manual labor must be established in connection with the Agricultural College, upon its agricultural and ornamental grounds, for practical education in agriculture and landscape gardening.

SEC. 5. The College of Mechanic Arts shall be next established; and in organizing this, or any other college, the same regard hereinbefore indicated shall be had for the general acquirements of each professor and instructor, so that he may be able to give general and special instruction in as many classes and courses of instruction as possible; and inasmuch as the original donation, out of which the plan of a State University has had its rise, was made to the State by

College of  
Mechanic Arts

virtue of the aforesaid Act of Congress entitled "An Act donating land to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two, the said Board of Regents shall always bear in mind that the College of Agriculture and the College of Mechanic Arts are an especial object of their care and superintendence, and that they shall be considered and treated as entitled primarily to the use of the funds donated for their establishment and maintenance by the said Act of Congress.

Priority of  
claim on  
endowment of  
1862.

Colleges of  
Mines, Civil  
Engineering,  
etc.

SEC. 6. The College of Mines and the College of Civil Engineering shall be next established, and such other colleges of arts as the Board of Regents may be able to establish with the means in their possession or under their control; and in order to fulfill the requirements of the said Act of Congress, all able-bodied male students of the University, whether pursuing full or partial courses in any college, or as students at large, shall receive instruction and discipline in military tactics in such manner and to such extent as the Regents shall prescribe, the requisite arms for which shall be furnished by the State.

Military  
Tactics

See Chap. XVI, p. 114.

SEC. 7. The Board of Regents, having in regard the said donation already made to the State by the President and Board of Trustees of the College of California, and their proposition to surrender all their property to the State for the benefit of the State University, and to become disincorporate and go out of existence as soon as the State shall organize

the University, by adding a Classical College to the College of Arts, shall, as soon as they deem it practicable, establish a College of Letters. The College of Letters shall be coexistent with the aforesaid College of Arts, and shall embrace a liberal course of instruction in languages, literature and philosophy, together with such courses or parts of courses in the aforesaid College of Arts as the authorities of the University shall prescribe. The degree of Bachelor of Arts, upon due examination, and afterwards the degree of Master of Arts, in usual course, shall be conferred upon the graduates of this college. But the provisions herein and hereinbefore contained regarding the order in which the said colleges shall be organized shall not be construed as directing or permitting the organization of any of the specified colleges to be unnecessarily delayed, but only as indicating the order in which said colleges shall be organized, beginning with the College of Agriculture, and adding in succession to the body of instructors in that and the other colleges, such other instructors as may be necessary to organize the other colleges successively in the order above indicated. Only the first year's course of instruction shall be provided for in each college at first, the other successive years courses being added in each year as the students advance to the same, until the full course in each college is established; *provided*, however, that the Board of Regents may organize at once the full course of the College of Letters, if in their judgment it is expedient so to do in order to allow the College of California to immediately convey the residue of its property to the State for the benefit of the Univer-

College of  
Letters

Degrees of  
Bachelor and  
Master of  
Arts

sity, and to become disincorporate and go out of existence, pursuant to its proposition to that effect.

POL. C. SEC. 1403. The degree of Bachelor of Arts, and afterwards the degree of Master of Arts, in usual course, must be conferred upon the graduates of the College of Letters.

SEC. 8. The Board of Regents may affiliate with the University, and make an integral part of the same, and incorporate therewith, any incorporated College of Medicine or of Law, or other special course of instruction now existing, or which may hereafter be created, upon such terms as to the respective corporations may be deemed expedient; And such college or colleges so affiliated shall retain the control of their own property, with their own Boards of Trustees, and their own Faculties and Presidents of the same, respectively, and the students of those colleges, recommended by the respective Faculties thereof, shall receive from the University the degrees of those colleges; *provided*, however, that the President of the University shall be, *ex-officio*, a member of the Faculty of each and every college of the University, and President of such Faculty.

Affiliation of  
Colleges of  
Medicine,  
Law, etc.

President must  
be President of  
all Faculties.

POL. C. SEC. 1396. The Board of Regents may affiliate with the University any incorporated college of medicine, law, or other special course of instruction, upon such terms as may be deemed expedient; and such college may retain the control of its own property, have its own Board of Trustees, Faculties, and Presidents, respectively; and the students of such colleges, recommended by the respective Faculties thereof, may receive from the University the degrees of those colleges.

A college in affiliating with the University becomes subject to the laws applicable to the University except when otherwise provided either in the Organic Act or the Act creating the special college. The two constitute one institution, governed by the same laws, with only such special provisions as might be required for the harmonious

operations of its different branches. An affiliation imports a subjection to the same general laws and rules that are applicable to the parent institution, with such special exception as may expressly be made and such as arise from the very nature and purpose of the affiliated institution.

*Foltz vs. Hoge*, 54 Cal. 28.

Hence, there being no special prohibition, females are entitled to be admitted to the Hastings College of the Law under the same general policy which admits them to the University.

*Id.*

SEC. 9. The examinations for degrees shall be annual, and the Board of Regents shall take measures to make such examinations thorough and complete. Students who shall have passed not less than a full year as resident students in any college, academy or school in this State, and, after examination by the respective faculty of such college, academy or school, are recommended by such faculty as proficient candidates for any degree in any regular course of the University, shall be entitled to be examined therefor at the annual examination; and, on passing such examination, shall receive such degree for that course, and the diploma of the University therefor, and shall rank and be considered in all respects as graduates of the University. All students of the University who have been resident students thereof for not less than one year, and all graduates of the University in any course, may present themselves for examination in any other course, or courses, at the annual examinations, and on passing such examination, shall receive the degree and diploma of that course. Upon such examinations each professor and instructor of that course shall cast one vote upon each application for recommendation to the Board of

Examinations  
for degrees to  
be annual

Who may be  
examined

Each professor  
and instructor  
to cast a vote  
by ballot in  
recommending  
degrees

Former  
graduates of  
College of  
California and  
of Affiliated  
Colleges to be  
alumni

Certificates of  
Proficiency

Style of  
Diplomas

Honorary  
Degrees

Regents for a degree, and the votes shall be by ballot. In case the College of California shall surrender its property to the University, and said donation shall be accepted by the Board of Regents, and said College of California shall thereafter become disincorporate in pursuance of its proposition heretofore made to that effect, the graduates and those who shall have received the degrees of that college shall receive the degrees from the University, and be considered in all respects graduates of the same. And the last above expressed provision shall apply to the previous graduates of any incorporated college of medicine, law, or other professional college which shall become affiliated with the University, as herein otherwise provided. The Board of Regents shall also confer certificates of proficiency in any branch of study upon such students of the University as, upon examination, shall be found entitled to the same. The style of diplomas and degrees shall be: "University of California, College of Agriculture," or with the name of the other respective college; but honorary degrees for the higher degrees, not lower than that of Master of Arts, may be conferred, with the designation of the University alone, upon persons distinguished in literature, science and art.

POL. C. SEC. 1397. The examinations for degrees must be annual. Students who have passed not less than a year as residents in any college, academy, or school in this State, and who, after examination by the Faculty thereof, are recommended by them as proficient candidates for any degree in any regular course of the University, must be examined therefor at the annual examination; and on passing such examination may receive the degree and diploma for that course, and rank as graduates.

POL. C. SEC. 1398. All students of the University who have been residents thereat for not less than one year, and all graduates thereof,

may present themselves for examination in any course at the annual examinations, and, on passing such examination, may receive the degree and diploma of that course.

POL. C. SEC. 1399. Upon such examinations each professor and instructor of that course may cast one vote, by ballot, upon each application for recommendation to the Board of Regents for a degree.

POL. C. SEC. 1400. Graduates of the College of California, and of any incorporated college affiliated with the University, may receive the degrees from and rank as graduates of the University.

POL. C. SEC. 1401. The Board of Regents may also confer certificates of proficiency in any branch of study upon such students of the University as upon examination are found entitled to the same.

SEC. 10. Scholarships may be established in the University by the State, associations or individuals, for the purpose of affording tuition in any course of the University, free from the ordinary charges, to any scholar in the public schools of the State who shall distinguish himself in study, according to the recommendation of his teachers, and shall pass the previous examination required for the grade at which he wishes to enter the University, or for the purpose of private benefaction; *provided*, that the said scholarships shall be approved and accepted by the Board of Regents. Scholarships

POL. C. SEC. 1395. If approved by the Board of Regents, scholarships may be established in the University by any persons for the purpose of private benefaction or of affording tuition in any course of the University, free from the ordinary charges, to any scholar in the public schools of the State who may distinguish himself in study, according to the recommendation of his teachers, and who passes the examination required for the grade at which he wishes to enter the University.

See Stat. of April 1, 1870, page 149.

SEC. 11. The general government and superintendence of the University shall vest in a Board of Regents, to be denominated the "Regents of the Constitution of  
Board of  
Regents

University of California," who shall become incorporated under the general laws of the State of California by that corporate name and style. The said Board shall consist of twenty-two members, all of whom shall be citizens and permanent residents of the State of California, as follows:

Twenty-two  
Members,  
citizens and  
residents

*First*—Of the following ex officio members, namely: His Excellency the Governor; the Lieutenant-Governor, or the person acting as such; the Speaker, for the time being, of the Assembly; the State Superintendent of Public Instruction; the President, for the time being, of the State Agricultural Society; and the President for the time being of the Mechanics' Institute of the City and County of San Francisco;

Six ex officio

*Secondly*—Of eight other appointed members, to be nominated by the Governor, by and with the advice and consent of the Senate, who shall hold their office for the term of sixteen years; *provided*, that such members first so appointed shall be classified by lot at the first meeting of the Board of Regents, so that one of the numbers so appointed shall go out of office at the end of every successive two years, and after that the full term to be sixteen years; and the record of such classification shall be transmitted by said Board of Regents to the Secretary of State and filed in his office;

Eight appointed  
by Governor  
and confirmed  
by Senate

Terms to be  
Sixteen years

*Thirdly*—Of eight additional honorary members, to be chosen from the body of the State by the official and appointed members, who shall hold their office for the term of sixteen years; *provided*, that such honorary members first so chosen shall be

[Eight  
Honorary]



classified by lot, when so appointed, by the Board of Regents so appointing them, so that one of the members so chosen shall go out of office at the end of each successive two years, and after that the full term to be sixteen years, and the record of such classification shall be transmitted by said Board of Regents to the Secretary of State, to be filed in his office. Each member of the said Board, whether official, appointed or honorary, shall, if present, be entitled to one vote at all the meetings of said Board. The first official year from which the terms of office shall be computed to run, shall be the first day of March, in the year eighteen hundred and sixty-eight. Vacancies in the office of appointed members of the Board, occurring in the recess of the Legislature, shall be filled for the rest of the term by appointment of the Governor. Vacancies in the office of honorary members occurring from any other cause other than expiration of the term by limitation shall be filled for the rest of the term by appointment of the Board of Regents. In case the Senate shall adjourn before the Governor shall have nominated the first appointed members of the Board of Regents, under this Act, or before it shall have confirmed his nomination in their behalf, the Governor shall appoint the same by his sole act. No member of the Board of Regents, or of the University, shall be deemed a public officer by virtue of such membership, or required to take any oath of office, but his employment as such shall be held and deemed to be exclusively a private trust; and no person who at the time holds any executive office or appointment under the State shall be a member of said Board, except the executive officers

First term  
from March 1,  
1868

[Vacancies

Regents not  
Public  
Officers

Limitations  
on Appointment

Governor to  
be President  
of Regents

above mentioned. The Governor shall be President of the Board of Regents, and in his absence the Board shall appoint a President pro tempore.

President of  
University a  
Regent

POL. C. SEC. 1425. The University is under the control of a Board of Regents, consisting of twenty-two members; but the President of the University, for the time being, shall be a member of the Board of Regents, by virtue of his office.

Sixteen Regents  
Appointed by  
Governor

POL. C. SEC. 1426. Sixteen members of the Board are appointed by the Governor, with the advice and consent of the Senate. Their term of office is sixteen years.

Governor fills  
vacancies

POL. C. SEC. 1427. Six members of the Board hold by virtue of other offices, as provided in section three hundred and fifty-three.

POL. C. SEC. 1428. Whenever a vacancy occurs in the Board, the Governor must appoint some person to fill it, and the person so appointed holds for the remainder of the term.

POL. C. SEC. 1429. The Governor is President of the Board.

POL. C. SEC. 353. The Governor, Lieutenant-Governor, Speaker of the Assembly, Superintendent of Public Instruction, President of the State Board of Agriculture, and President of the Mechanics' Institute of San Francisco, are ex officio Regents of the University of California. The appointment and terms of the office of the other Regents are provided for in Chapter I, Title III, of Part III, of this Code.

The Regents incorporated under the provisions of an act entitled "An Act Authorizing the Incorporation of Institutions of Learning" quoted at page 108.

The Regents are not public officers. Section 343 Pol. C. declaring them to be civil executive officers is unconstitutional.

*Lundy vs. Delmas*, 104 Cal. 655.

Hence they are not personally liable in an action for damages for injuries claimed by negligence in not properly maintaining a telegraph line on Mt. Hamilton. The corporation is charged with this duty, and the rule which makes a public officer answerable for neglect in the discharge of the duties of his office does not apply.

*Id.*

Regents to hold  
all property  
of the  
University

SEC. 12. The said Board of Regents, when so incorporated, shall have the custody of the books, records, buildings, and all other property of the Uni-

versity. The lands and other property heretofore donated to the State by the President and Trustees of the College of California, and which are situated in the Township of Oakland, in the County of Alameda, for the purpose of erecting thereon an Agricultural College, and for other purposes mentioned in the deed of conveyance by which the same were so conveyed, shall be and forever remain vested in the State of California; as shall also be vested in the said State all property which shall be purchased by the funds of the State, or from the proceeds of donations made to the State for the purpose of the University, or of any of the colleges or professorships thereof; and the said Board of Regents shall have no power to alienate or incumber, by mortgage, hypothecation, lien or otherwise, any portion of said property except on terms such as the Legislature shall have previously approved; any act of the said Regents, or of any other person, which shall purport to have that effect shall be wholly null and void. All lands, moneys, bonds, securities or other property which shall be donated, conveyed or transferred to the said Board of Regents by gift, devise, or otherwise, including such property as may hereafter be donated and conveyed by the President and Board of Trustees of the College of California, in trust, or otherwise, for the use of said University, or of any college thereof, or of any professorship, chair or scholarship therein, or for the library, observatory, or any other purpose appropriate thereto, shall be taken, received, held, managed, invested, reinvested, sold, transferred, and in all respects managed, and the proceeds thereof used, bestowed, invested and reinvested, by the said Board

Not to alienate  
or encumber  
property  
without  
Legislative  
approval

May execute  
Trusts for Use  
of University

of Regents, in their corporate name and capacity, for the purposes and under the terms, provisions and conditions respectively prescribed by the act of gift, devise, or other act in the respective case. In case any incorporated College of Law, Medicine, or the like, shall be brought into the said University by affiliation, as herein otherwise provided, such college so affiliated may retain its own property, then possessed by it or thereafter to be acquired, to be invested in and held and managed by its own corporation, and the said Board of Regents shall have no right of property in or power of control over the same, nor shall be liable for any acts or contracts of such affiliated corporation.

Affiliated  
College may  
retain its  
own property

A mortgage held by the Regents is the property of the State and is therefore not taxable.

*Hollister vs. Sherman*, 63 Cal. 38.

It should, however, be deducted from the full value of the property on which it is a lien in order to find the taxable value of that property.

*People vs. Supervisors of S. F.*, 77 Cal. 136.

Under this Section and Pol. C. 1432, page 31, the Regents found authority to receive the Lick Trust for the establishment and maintenance of the "Lick Astronomical Department of the University of California."

Report of Law Committee; SECRETARY'S REPORT for 1887:75.  
See Note to Section 1 of this Act, page 16.

Regents to  
enact Laws,  
elect President  
and Professors,  
fix terms and  
salaries, and  
determine  
qualifications  
of students

SEC. 13. The Regents and their successors in office, when so incorporated, shall have power, and it shall be their duty, to enact laws for the government of the University, to elect a President of the University and the requisite number of professors, instructors, officers and employes, and to fix their salaries, also the term of office of each, and to determine the moral and educational qualifications of

applicants for admission to the various courses of instruction. They shall also consider and determine whether the interests of the University and of the students, as well as those of the State, and of the great body of scientific men in the State whose purpose is to devote themselves to public instruction, will not be greatly promoted by committing those courses of instruction which are brief and special to professors employed for short terms, and for only a portion of each year in their special departments, and to be termed non-resident professors; and their decision in that regard may be reconsidered by them as often as they deem it expedient. And it is expressly provided that no sectarian, political or partisan test shall ever be allowed or exercised in the appointment of Regents, or in the election of professors, teachers, or other officers of the University, or in the admission of students thereto, or for any purpose whatsoever; nor at any time shall the majority of the Board of Regents be of any one religious sect, or of no religious sect; and persons of every religious denomination, or of no religious denomination, shall be equally eligible to all offices, appointments and scholarships.

Non-resident  
Professors

No sectarian,  
political or  
partisan tests  
allowed

POL. C. SEC. 1432. The powers and duties of the Board of Regents are as follows:

1. To meet at such times and places as their rules may prescribe, or at the call of the President of the Board.
2. To control and manage the University and its property.
3. To prescribe rules for their own government and for the government of the University.
4. To adopt and prescribe rules for the government and discipline of the Cadets.

5. To receive, in the name of the State, or of the Board of Regents, as the case may be, all property donated to the University. (See Note to Sec. 12 of the Organic Act, page 30.)

6. To choose a President of the University, the professors, and other officers and employees of the University, prescribe their duties, fix and provide for the payment of their salaries.

7. To fix the qualifications for admission to the benefits of the University.

8. To fix the admission fee and rates of tuition.

9. To appoint a Secretary and Treasurer, prescribe their duties, and fix and provide for the payment of their compensation.

10. To remove, at pleasure any officer, professor, or employee of the University.

11. To supervise the general courses of instruction, and on the recommendation of the several Faculties, prescribe the authorities and text-books to be used in the several colleges.

12. To confer such degrees, and grant such diplomas, as are usual in Universities, or as they deem appropriate.

13. To establish and maintain a museum.

14. To establish and maintain a library.

15. To take immediate measures for the permanent improvement and planting of the University grounds.

16. To keep a record of all their proceedings.

SEC. 1405. No sectarian, political, or partisan test must ever be allowed or exercised in the appointment of Regents, or in the election of professors, teachers, or other officers of the University, or in the admission of students thereto, or for any purpose whatsoever; nor must the majority of the Board of Regents be of any one religious sect or of no religious belief.

Tuition

SEC. 14. For the time being, an admission fee and rates of tuition, such as the Board of Regents shall deem expedient, may be required of each pupil, except as herein otherwise provided; and as soon as the income of the University shall permit, admission and tuition shall be free to all residents of the State; and it shall be the duty of the Regents, according to

population, to so apportion the representation of students, when necessary, that all portions of the State shall enjoy equal privileges therein.

POL. C. SEC. 1393. An admission fee and rates of tuition fixed by the Board of Regents must be required of each pupil, except as herein otherwise provided.

POL. C. SEC. 1394. As soon as the income of the University shall permit, admission and tuition must be free to all residents of the State; and the Regents must so apportion the representation of students according to population that all portions of the State may enjoy equal privileges therein.

SEC. 15. The President of the University shall be President of the several Faculties and the executive head of the institution in all its departments, except as herein otherwise provided. He shall have authority, subject to the Board of Regents, to give general direction to the practical affairs of the several colleges, and, in the recess of the Board of Regents, to remove any employé or subordinate officer, not a member of any Faculty, and to supply for the time being, any vacancies thus created; and, so long as the interests of the institution require it, he shall be charged with the duties of one of the professorships. A competent person, who is a practical agriculturist by profession, competent to superintend the working of the agricultural farm, and of sufficient scientific acquirements to discharge the duties of Secretary of the Board of Regents as prescribed in this Act, shall be chosen by said Board as their Secretary, and, in addition to his special duties as such, as prescribed in this Act, he shall perform such other duties as they shall impose. He shall receive for his services such reasonable salary as the Board of Regents shall prescribe. The Board of Regents may also appoint

President of  
University

Secretary of  
Regents

Treasurer of  
University

a Treasurer of the University, and prescribe the form and sureties of his bond as such, which shall be executed, approved by them and filed with the Secretary, before any such Treasurer shall go into office. The Secretary and Treasurer shall be subject to summary removal by the Board of Regents.

POL. C. SEC. 1389. The President of the University is the executive head of the institution in all its departments, except as herein otherwise provided.

POL. C. SEC. 1390. He must, subject to the Board of Regents, give general direction to the practical affairs of the several colleges, and in the recess of the Board of Regents may remove any employee or subordinate officer not a member of any Faculty, and supply for the time being any vacancies thus created; and until the Regents otherwise direct he is charged with the duties of one of the professorships.

POL. C. SEC. 1449. A practical agriculturist, competent to superintend the working of the agricultural farm and to discharge the duties of Secretary of the Board of Regents, must be chosen by the Board as their Secretary.

POL. C. SEC. 1451. The Secretary holds office at the pleasure of, and receives the compensation fixed by the Board.

Duties of  
Secretary :  
Office at  
Berkeley,  
Records to be  
kept ; open to  
inspection of  
citizens

SEC. 16. The Secretary of the Board of Regents shall reside and keep his office at the seat of the University. It shall be his duty to keep a record of the transactions of the Board of Regents, which shall be open at all times to the inspection of any citizen of this State. He shall also have the custody of all books, papers, documents, and other property which may be deposited in his office; also keep and file all reports and communications which may be made to the University from time to time by county, State, and district agricultural societies, horticultural, vinctural, mechanical and mining societies; and of all correspondence from other persons and societies appertaining to the business of education, science,

Correspond-  
ence with  
various  
Interests



art, husbandry, mechanics and mining; address circulars to societies, and to the best practical farmers, mechanics and miners in this State and elsewhere, with the view of eliciting information upon the latest and best modes of culture of the products, vegetables, trees, etc., adapted to the soil and climate of the State, and also on all subjects connected with field culture, horticulture, stock raising and the dairy; he shall also correspond with established schools of mining and metallurgy in Europe, and obtain such information respecting the improvements of mining machinery adapted to California, and publish from time to time such information, as will be of practical benefit to the mining interests and the working of all ores and metals; receive and distribute such rare and valuable seeds, plants, shrubbery and trees as may be in his power to procure from the General Government and other sources, as may be adapted to our climate and soil, or to purposes of experiment therein. To effect these objects he shall correspond with the Patent Office at Washington, and with the representatives of our National Government abroad, and, if possible, procure valuable contributions to agriculture from these sources. He shall aid, as far as possible, in obtaining contributions to the museum and the library of the said college, and thus aid in the promotion of agriculture, science and literature. He shall keep a correct account of all the executive acts of the President of the University, and an accurate account of all moneys received into the treasury, as well as those paid out.

Aid in  
promotion of  
Agriculture,  
Science and  
Literature

Account of  
President's  
executive acts  
and of moneys

1. Reside and keep his office at the seat of the University.
2. Keep a record of the transactions of the Board of Regents, which must be open at all times to the inspection of any citizen of this State.
3. Have the custody of all books, papers, documents, and other property which may be deposited in his office.
4. Keep and file all reports and communications which may be made to the University appertaining to education, science, art, husbandry, mechanics, or mining.
5. Address circulars to societies and others, soliciting information upon the latest and best modes of culture of the products adapted to the soil and climate of the State, and on all subjects connected with field culture, horticulture, stock raising, and the dairy.
6. Correspond with established schools of mining and metallurgy in Europe, and obtain information respecting the improvements of mining machinery adapted to California.
7. Correspond with the patent office at Washington, and with the representatives of the Government of the United States abroad, to procure contributions to agriculture from these sources; receive and distribute seeds, plants, shrubbery, and trees adapted to our climate and soils, for the purposes of experiment.
8. Obtain contributions to the museums and the library of the University.
9. Keep a correct account of all the executive acts of the President of the University.
10. Keep an accurate account of all moneys received into the treasury or paid therefrom.

SEC. 17. The seeds, plants, trees and shrubbery received by the Secretary and not needed by the University shall be, so far as possible, distributed without charge equally throughout the State, and placed in the hands of those farmers and others who will agree to cultivate them properly and return to the Secretary's office a reasonable proportion of the products thereof, with a full statement of the mode of cultivation, and such other information as may be necessary to ascertain their value for general cultiva-

Secretary to  
distribute  
Seeds, etc.,  
throughout  
State,

tion in the State. Information in regard to agriculture, the mechanic arts, mining and metallurgy may be published by him from time to time in the newspapers of the State as matters of public information provided it does not involve any expense to the State.

and publish information in regard to Agriculture, Mechanic Arts, etc.

POL. C. SEC. 1450. Subdivision 11. Distribute the seeds, plants, trees, and shrubbery received by him and not needed by the University, equally throughout the State, to farmers and others who will agree to cultivate them properly and return to the Secretary's office a reasonable proportion of the products thereof, with a statement of the mode of cultivation, and such other information as may be necessary to ascertain their value for cultivation in the State.

12. Publish from time to time in the newspapers of the State, free of charge, information relating to agriculture, the mechanic arts, mining, and metallurgy.

SEC. 18. The immediate government and discipline of the several colleges shall be intrusted to their respective Faculties, to consist of the President and the resident Professors of the same, each of which shall have its own organization, regulate the affairs of its own college, recommending the course of study and the text-books to be used, for the approval of the Board of Regents, and, in connection with the President as its executive officer, have the government of its students. All the Faculties and instructors of the University shall be combined into a body which shall be known as the Academic Senate, which shall have stated meetings at regular intervals, and be presided over by the President, or a President pro tempore, and which is created for the purpose of conducting the general administration of the University and memorializing the Board of Regents; regulating, in the first instance, the general

Faculties

Academic Senate

and special courses of instruction, and to receive and determine all appeals couched in respectful terms from acts of discipline enforced by the Faculty of any college. Its proceedings shall be conducted according to rules of order; and every person engaged in instruction in the University, whether resident Professors, non-resident Professors, lecturers, or instructors, shall have permission to participate in its discussions; but the right of voting shall be confined to the President and the resident and non-resident Professors. But the Regents shall have power to supervise the general courses of instruction, and on the recommendation of the several Faculties prescribe the authorities and text-books to be used in the several courses and colleges, and also to confer such degrees and grant such diplomas as are usual in Universities, or as they shall deem appropriate; *provided*, no honorary degree of any college or course shall be granted by the Regents, nor shall any degree, certificate or diploma, for any course or branch of instruction, be granted by the Regents, unless upon examination therefor as prescribed in this Act, except the substituted degrees and diplomas provisionally provided for those having received degrees from the College of California, in case the said college becomes extinct and disincorporates, and for the graduates of affiliated professional colleges as herein otherwise provided.

Right of Voting

Regents may supervise courses

and confer degrees

No honorary degree of a College to be conferred

POL. C. SEC. 1391. The immediate government of the several colleges is intrusted to their respective Faculties, each of which must have its own organization, regulate its own affairs, and may recommend the course of study and the text-books to be used.

POL. C. SEC. 1461. The Academic Senate is composed of the Faculties and Instructors of the University.

POL. C. SEC. 1462. The Senate must conduct the general administration of the University, regulate the general and special courses of instruction, receive and determine all appeals from acts of discipline enforced by the Faculty of any college, and exercise such other powers as the Board of Regents may confer upon it.

POL. C. SEC. 1463. Its proceedings must be conducted according to rules of order adopted by it, and every person engaged in instruction in the University may participate in its discussions; but the right of voting is confined to the President and the Professors.

SEC. 19. At the close of each fiscal year the Regents, through their President, shall make a report in detail to the Governor, exhibiting the progress, condition and wants of each of the colleges embraced in the University, the course of study in each, the number of professors and students, the amount of receipts and disbursements, together with the nature, cost and results of all important investigations and experiments, and such other information as they may deem important; one printed copy of which shall be transmitted, free, by their Secretary, to all colleges endowed under the provisions of the Congressional Act of July second, eighteen hundred and sixty-two, hereinbefore referred to; also one printed copy to the Secretary of the Interior, as provided in said Act.

[Annual Report  
of Regents]

to be printed  
and distributed

POL. CODE. SEC. 1432. The powers and duties of the Board of Regents are as follows:

\* \* \* \* \*

17. Through the President of the University, to report to the Governor the progress, conditions, and wants of each of the colleges embraced in the University, the course of study in each, the number of professors and students, the amount of receipts and disbursements, together with the nature, cost, and results of all important investigations and experiments, and such other information as they may deem important.

Report by  
President

See Pol. Code, Sec. 332, p. 128.

Endowments

SEC. 20. For the endowment and support of the University and its buildings and improvements, there are hereby appropriated:

Proceeds from  
eighty-two  
sections of land

*First*—The capital, income, proceeds, securities, avails and interest that have accrued or may hereafter accrue from the sale of the seventy-two sections of land granted to the State for a seminary of learning by an Act of Congress entitled "An Act to provide for the survey of the public lands in California, the granting of preëmption rights therein, and for other purposes," approved March third, eighteen hundred and fifty three, and from the sale of the ten sections of land granted to the State for public buildings, by said Act of Congress, which shall be forthwith, so far as the same have been received, and hereafter as fast as the same shall be received by any of the officers of the State, shall be paid over to the said Board of Regents upon their order therefor.

and from sale  
of Land  
granted by  
Act of 1862

*Secondly*—The income, revenue and avails which shall be derived or received from the investment of the proceeds of the sale of the lands, or of the scrip therefor, or of any part thereof, granted to this State by an Act of Congress entitled "An Act donating public lands to the several States and Territories of the United States for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two, which are hereby appropriated to, and, from time to time, as the same shall be received, shall be paid into the State Treasury, carried to the credit of the said Board of Regents, and paid over to the Treasurer of the University, for the

use and behoof of the said University, and expended by said Board as elsewhere prescribed in this Act; and said lands shall be located and sold under the direction of the Board of Regents, and for such price, and on such terms only as they shall prescribe.

See the Act, p. 75.

*Thirdly*—All such contributions to the endowment, or other funds, as may be derived from appropriations by the State, from the United States, or from public or private bounty. The entire income of said funds shall be placed at the disposition of the Board of Regents for the support of the University, and of the several colleges and schools thereof, as herein otherwise provided, with the exception of such affiliated incorporated colleges as shall preserve their own property and the income thereof, as herein otherwise provided; and *provided*, moreover, that all means derivable from either public or private bounty shall be exclusively devoted to the specific objects for which they shall have been designed by the grantor. The Board of Regents may appoint competent persons to solicit and collect private contributions for the endowment of the University, and pay them for their services in that behalf, out of the funds so obtained by them, such reasonable compensation as the Board may prescribe.

State and  
Federal Ap-  
propriations,  
and Public  
and Private  
Bounty

Not to be  
used for  
Affiliated  
Colleges

Special  
Endowments  
may be  
received

Solicitors

*Fourthly*—All such appropriations as may be made for that purpose by the Legislature.

Legislative  
Appropriations

POL. C. SEC. 1415. The endorsement [endowment] of the University is:

1. The proceeds of the sale of the seventy-two sections of land granted to the State for a seminary of learning.

2. The proceeds of the ten sections of land granted to the State for public buildings.

3. The income derived from the investments of the proceeds of the sale of the lands or of the scrip therefor, or of any part thereof, granted to this State for the endowment, support, and maintenance of at least one college where the leading object shall be—without excluding other scientific and classical studies, and including military tactics—to teach such branches of learning as are related to agriculture and the mechanic arts.

4. The income of the fund set apart by "An Act for the endowment of the University of California," approved April second, eighteen hundred and seventy, which is continued in force.

6. The State of California, in its corporate capacity, may take by grant, gift, devise, or bequest, any property for the use of the University, and hold the same, and apply the funds arising therefrom, through the Regents of the University, to the support of the University, as provided in Article IX, section four, of the Constitution.

7. The Regents of the University, in their corporate capacity, may take by grant, gift, devise, or bequest, any property for the use of the University, or of any college thereof, or of any professorship, chair, or scholarship therein, or for the library, an observatory, workshops, gardens, greenhouses, apparatus, a Students' Loan Fund or any other purpose, appropriate to the University; and such property shall be taken, received, held, managed, and invested, and the proceeds thereof used, bestowed, and applied by the said Regents for the purposes, provisions, and conditions prescribed by the respective grant, gift, devise, or bequest.

8. The Regents of the University may invest any of the permanent funds of the University, which are now or hereafter may be in their custody, in productive, unincumbered real estate in this State, subject to the power of the Legislature to control or change such investments, excepting such as by the terms of their acquisition, must be otherwise invested.

9. If by the terms of any grant, gift, devise, or bequest, such as are described in the preceding sixth and seventh subdivisions, conditions are imposed which are impracticable under the provisions of the Civil Code, such grant, gift, devise, or bequest, shall not thereby fail, but such conditions shall be rejected, and the intent of the donor carried out as near as may be.

Subdivision 6. See Chap. X, p. 103. Also note, p. 67.



Subdivision 7. All University property held by the Regents for the University is exempt from taxation whether taken by "grant, gift, devise, or bequest" or otherwise.

Hollister vs. Sherman, 63 Cal. 38.

Subdivision 8. Mortgages held by Regents are exempt from taxation.

*Id.*

And should be deducted from the value of the property, on which the lien exists, to determine its taxable value.

People vs. Supervisors of S. F., 77 Cal. 136.

Subdivision 9. The Legislature does not here use the word impracticable as a synonym for impossible and when H. D. Cogswell gave property to the University for the establishment and maintenance of a dental college and it afterwards appeared that the college was not sufficiently endowed in the first place, and that it had become absolutely impossible, for want of funds, to maintain and support it, then the object of the trust has failed in the sense that it has become impossible to carry it out; and under sections 871 and 2279 C. C. the trust and estate of the trustee ceases, and under Section 1109 C. C. the donor is entitled to a reconveyance of his gift.

Cogswell vs. Regents. Superior Court S. F. No. 15509.

Reported in SECRETARY'S REPORT, 1886: 40.

A resolution of the Regents of the University directing the investment of a fund bequeathed to establish a professorship is insufficient to show that the fund is inadequate to carry out the testator's intent.

Under Sec. 1317 C. C. which provides that, if the intention of the testator with respect to a charitable gift cannot have effect to its full extent, it must have effect as far as possible, a bequest to establish a professorship is not invalid because the amount is inadequate to establish the professorship.

Estate of Royer, 123 Cal. 615.

POL. C. SEC. 1433. The entire income arising from the endowment is subject to the trusts at the disposition of the Board of Regents for the support of the University.

SEC. 21. For the current expenditures of the University, specific sums of money shall be set aside out of the funds at their disposal, by the Board of Regents, which shall be liable to disbursement for that purpose, and shall be subject to the warrants of

Budget

Warrants

Transfer of  
money from  
State  
Treasury

the President of the Board drawn upon the Treasurer of the University, in pursuance of the orders of the Board of Regents. All moneys received from labor and incidental sources shall be paid into the treasury and expended in the same manner as other moneys. All moneys which may at any time be in the State Treasury, and subject to the use of said Board of Regents, may be drawn therefrom by the President of the Board, upon the order of said Board, in favor of the Treasurer of the University.

POL. C. SEC. 1434. For the current expenditures of the University, specific sums of money must be set aside, out of the funds at their disposal, by the Board of Regents, which are subject to the warrants of the President of the Board, drawn upon the Treasurer of the University in pursuance of the orders of the Board of Regents.

See the Act, p. 79.

POL. C. SEC. 1435. All moneys which may at any time be in the State Treasury, subject to the use of the Board of Regents, may be drawn therefrom by the President of the Board, upon the order of the Board in favor of the Treasurer of the University.

See notes, page 84.

Meetings

SEC. 22. Meetings of the Board of Regents may be called in such manner as the Regents shall determine, seven of whom shall constitute a quorum for the transaction of business; but a less number may adjourn from time to time. No member of the Board shall receive any compensation for his services as such member, nor be entitled to reimbursement for his traveling or other expenses while employed on the business of the Board.

Seven a  
Quorum

No com-  
pensation

POL. C. SEC. 1430. Seven members constitute a quorum of the Board.

POL. C. SEC. 1431. The members receive no compensation.

\*First steps in  
organization

SEC. 23. The Regents shall, when they shall be in possession of funds for that purpose, organize and

put into operation the first years course of instruction in as many of the said colleges as possible. If the buildings of the University are not sufficiently completed at that time to be occupied for that purpose, the Regents are authorized to make temporary arrangements for sufficient buildings, the use of apparatus, and for other needful purposes, in the City of Oakland; if the same shall be practicable.

POL. C. SEC. 1439. Until the University buildings are ready for use, the Regents may make temporary arrangements for buildings at Oakland.

SEC. 24. The Collections by the State Geological Survey shall belong to the University; and the Regents shall, in their plans, have in view the early and secure arrangement of the same for the use of the students of the University, and of giving access to the same to the public at large, and to visitors from abroad; and shall in every respect, by acts of courtesy and accommodation, encourage the visits of persons of scientific tastes and acquirements from other portions of the United States and of other countries, to California. The said collections shall be arranged by the resident professors of the University in a separate building, which shall be denominated the "Museum of the University." To this museum shall also be added, as fast as the means of the University shall permit, collections of agricultural implements, and objects illustrative of the mechanic arts, science, architecture and the fine arts. The collection of a library shall be commenced at once, and increased and expanded as fast as the Board of Regents are placed in possession of funds for that purpose. But the Board of Regents may allow duplicates to be

Collections by  
Geological  
Survey

Museum

Library

taken from said collections of the State Geological Survey and made a part of some other museum under the care of an incorporated academy of science, which shall become responsible for the custody and return of the same.

See Chap. IX p. 101.

[Act of Aug. 7, 1882. 22 U. S. Stat. at large 332. \* \* \* \* And the distribution of duplicate specimens of the National Museum and Fish Commission may be made to colleges, academies, and other institutions of learning upon the payment by the recipients of the cost of preparation for transportation and the transportation thereof.]

Buildings:  
General plans  
to be adopted

SEC. 25. The Regents shall devise, and cause to be constructed, such buildings as shall be needed for the use of the University of California. Such a plan shall be adopted that separate buildings may be constructed and set aside for separate uses, yet such buildings shall be grouped upon a general plan so that such buildings may harmonize therewith, and be a part of one design. The construction and equipment of the buildings shall in every instance be let upon specifications and advertisement of not less than ten days in at least two daily newspapers of the City and County of San Francisco, to the lowest responsible bidder upon sealed proposals. The Regents may require adequate security from all bidders, and shall have power to reject any and all bids and advertise anew. They shall take measures for the immediate and permanent improvement of the grounds of the University, and may make such contracts therefor, or for any part thereof, as they may deem advisable. The provisions of all Acts for the erection of State buildings, or the improvement of the State grounds, in conflict with this Act, shall not apply to the grounds and buildings of the University of California.

How building  
contracts  
may be let

Improvement  
of grounds

General Acts  
not to apply

Sec. 25 was amended March 28, 1872 (Stats. 1871-2: 655) and again March 3, 1897 (Stats. 1897: 57). It originally contained a prohibition of the adoption of the dormitory system.

POL. C. SEC. 1436. The Regents must cause to be constructed such buildings as are needed for the use of the University.

POL. C. SEC. 1437. The plan adopted in the construction of buildings must provide separate buildings for separate uses, and so group all such buildings that a central building may bring the whole in harmony as part of one design.

POL. C. SEC. 1438. The construction and furnishing of the buildings must be let out to the lowest responsible bidder, after advertisement for not less than ten days, in at least two daily newspapers published in the City of San Francisco; but the Regents may reject any bid, and advertise anew.

See Chap. XVII, p. 126.

SEC. 26. An Act entitled "An Act to establish an Agricultural, Mining and Mechanical Arts College," approved March thirty-first, eighteen hundred and sixty-six, and all Acts or parts of Acts inconsistent with this Act, are hereby repealed, so far as they conflict with the provisions of this Act. But the Board of Directors of the Agricultural, Mining and Mechanical Arts College of this State are authorized and directed to transfer and convey all its property, real and personal, all its effects, rights and interests of property, to the Regents of the University of California; and said Regents may accept and take possession of said property, and may, if they approve the same, ratify and confirm any contracts, executed or unexecuted, made by said Directors; and for the purpose of carrying out the purposes of this section said Directors are continued in office until the powers herein conferred shall be fully executed.

Repeal of  
certain Acts  
inconsistent  
with Organic  
Act

SEC. 27. This Act shall take effect immediately from and after its passage.

Act to take  
effect at  
passage

## CHAPTER II.

## AGRICULTURAL EXPERIMENT STATIONS.

An Act to establish Agricultural Experiment Stations in connection with the Colleges established in the several States under the provisions of an Act approved July second, eighteen hundred and sixty-two, and of the Acts supplementary thereto.

[Approved March 2, 1887. 24 U. S. Stats, at Large 440, 3 U. S. Compiled Stat. 3218.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established, under direction of the college or colleges or agricultural department of colleges in each State or Territory established, or which may hereafter be established, in accordance with the provisions of an Act approved July second, eighteen hundred and sixty-two, entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," or any of the supplements to said Act, a department to be known and designated as an "Agricultural Experiment Station;" *provided*, that in any State or Territory in which two such colleges have been or may be so established the appropriation hereinafter made to such State or Territory shall be equally divided between such colleges, unless the Legislature of such State or Territory shall otherwise direct.

Purpose to  
promote  
investigation  
of Principles  
of Agricultural  
Science

by establish-  
ment of  
Agricultural  
Experiment  
Stations

SEC. 2. That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States or Territories.

to conduct original research in Physiology of Plants and Animals, and other investigations bearing on Agricultural Industry

SEC. 3. That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner of Agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this Act. It shall be the duty of each of said stations, annually, on or before the first day of February, to make the Governor of the State or Territory in which it is located, a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner of Agriculture, and to the Secretary of the Treasury of the United States.

Results to be tabulated

Bulletins

SEC. 4. That bulletins or reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster-General may from time to time prescribe.

Appropriations

SEC. 5. That for the purpose of paying the necessary expenses of conducting investigations and experiments and printing and distributing the results as hereinbefore prescribed, the sum of fifteen thousand dollars per annum is hereby appropriated to each State, to be specially provided for by Congress in the appropriations from year to year, and to each Territory entitled under the provisions of section eight of this Act, out of any money in the Treasury proceeding from the sales of public lands, to be paid in equal quarterly payments, on the first day of January, April, July, and October, in each year, to the Treasurer or other officer duly appointed by the governing boards of said colleges to receive the same, the first payment to be made on the first day of October, eighteen hundred and eighty-seven; *provided, however*, that out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding five per centum of such annual appropriation may be so expended.

SEC. 6. That whenever it shall appear to the Secretary of the Treasury from the annual statement of receipts and expenditures of any of said stations that a portion of the preceding annual appropriation remains unexpended, such



amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

SEC. 7. That nothing in this Act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States or Territories in which they are respectively located.

SEC. 8. That in States having colleges entitled under this section to the benefits of this Act, and having also agricultural experiment stations established by law, separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States; and in case any State shall have established under the provisions of said Act of July second aforesaid, an agricultural department or experiment station, in connection with any university, college, or institution not distinctively an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the Legislature of such State may apply in whole or in part the appropriation by this Act made, to such separate agricultural college or school, and no Legislature shall by contract, express or implied, disable itself from so doing.

Existing  
Stations

SEC. 9. That the grants of moneys authorized by this Act are made subject to the legislative assent of the several States and Territories to the purposes of said grants; *provided*, that payment of such instalments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of its Legislature meeting next after the passage of this Act shall be made upon the assent of the Governor thereof duly certified to the Secretary of the Treasury.

Legislative  
assent  
necessary

No contractual  
obligation  
created

SEC. 10. Nothing in this act shall be held or construed as binding the United States to continue any payments from the Treasury to any or all the States or institutions mentioned in this Act, but Congress may at any time amend, suspend, or repeal any or all the provisions of this Act.

This Act is commonly known as the Hatch Act.

The legislative assent of California to this Act was given: see p. 54.

**An Act to amend an Act entitled "An Act to establish Agricultural Stations in connection with the Colleges established in the several States under the provisions of an Act approved July second, eighteen hundred and sixty-two, and of the Acts supplementary thereto."**

[June 7, 1888. 25 U. S. Stats. at Large 176.]

Governor may  
assent to  
Hatch Act

*Be it enacted, etc.,* That the grant of money authorized by the act of Congress entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of acts supplementary thereto," are subject as therein provided to the Legislative assent of the States or Territories to be effected thereby; but as to such installments of the appropriations as may be now due or may hereafter become due, when the Legislature may not be in session, the Governor of said State or Territory may make the assent therein provided, and upon a duly certified copy thereof to the Secretary of the Treasury he shall cause the same to be paid in the manner provided in the act of which this is amendatory, until the termination of the next regular session of the Legislature of such State or Territory.

[Act of March 2, 1889. 25 U. S. Stats. at Large 840.]

\* \* \* That as far as practicable all such stations shall devote a portion of their work to the examination and

classification of the soils of their respective States and Territories with a view to securing more extended knowledge and better development of their agricultural capabilities.

Soils to be  
examined

[Act of July 5, 1892. 27 U. S. Stats. at Large 80.]

\* \* \* And the Secretary of Agriculture is hereby authorized to furnish to such institutions or individuals as may care to buy it copies of the card index of agricultural literature prepared by the Office of Experiment Station[s], and charge for the same a price covering the additional expense involved in the preparation of these copies, and he is hereby authorized to apply the moneys received toward the expense of the preparation of the index.

Card index

[Act of Aug. 8, 1894. 28 U. S. Stats. at Large 271.]

*Agricultural Experiment Stations:* \* \* \* And the Secretary of Agriculture shall prescribe the form of the annual financial statement required by section three of the said Act of March second, eighteen hundred and eighty-seven.

Form of  
financial  
statement

[Act of March 2, 1901. 31 U. S. Stats. at Large 929.]

\* \* \* And the Agricultural Experiment Stations are hereby authorized and directed to co-operate with the Secretary of Agriculture in establishing and maintaining experimental grass stations, for determining the best methods of caring for and improving meadows and grazing lands, the use of different grasses and forage plants, and their adaptability to various soils and climates, the best native and foreign species for reclaiming overstocked ranges and pastures, for renovating worn-out lands, for binding drifting sands and washed lands, and for turfing lawns and pleasure grounds, and for solving the various forage problems presented in the several sections of our country.

Grass Stations

[Act of March 2, 1901. 31 U. S. Stats. at Large 935.]

Duties of  
Secretary of  
Agriculture

*Agricultural Experiment Stations:* To carry into effect the provisions of an Act approved March second, eighteen hundred and eighty-seven, entitled, "An Act to establish Agricultural Experiment Stations in connection with the colleges established in the several States under the provisions of an Act approved July second, eighteen hundred and sixty-two, and of the Acts supplementary thereto," and to enforce the execution thereof,\* \* and the Secretary of Agriculture \* \* shall ascertain whether the expenditures under the appropriation hereby made are in accordance with the provisions of the said Act, and shall make report thereon to Congress; and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary, in the City of Washington and elsewhere, and to incur such other expenses for office fixtures and supplies, stationery, traveling, freight, and express charges, illustration of the Experiment Station Record, bulletins and reports, as he may find essential in carrying out the objects of the above Acts, and the sums apportioned to the several States shall be paid quarterly in advance.

Appropriations  
payable  
quarterly

Senate Concurrent Resolution No. 14, relating to the assent of the State of California to grants, purposes, and conditions of the Act of Congress entitled "An Act to establish Agricultural Experiment Stations in connection with the colleges established in the several States under the provisions of an Act approved July 2, 1862, and of the Acts supplementary thereto," approved March 2, 1887.

[Adopted March 12, 1889. Stats. 1889:641.]

WHEREAS, By Section nine (9) of said Act it is provided: That the grants of money authorized by this Act are made subject to the legislative assent of the several States

and Territories to the purposes of said grants; therefore be it

*Resolved by the Senate, the Assembly concurring,* That the State of California does hereby assent to the grants named in said Act, approved March second, eighteen hundred and eighty-seven, and to the conditions thereof for and on behalf of the State of California and the Board of Regents of the University of the State of California. And be it further

*Resolved by the Senate, the Assembly concurring,* That the State of California does hereby specifically designate "The Board of Regents of the University of the State of California," a corporation organized and existing under the laws of California, and controlling the University of California, the only institution in this State established in accordance with the provisions of an Act approved July second, eighteen hundred and sixty-two, entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," as the institution to which this grant is by law assigned, for the benefit of Agricultural Experiment Stations connected with the said University. Be it further

*Resolved,* That his Excellency the Governor of California be and he is hereby requested to transmit to the Secretary of the Treasury of the United States a copy of these resolutions, duly certified by the Secretary of State.

CHAPTER III.  
**APPROPRIATIONS.**

TABLE OF APPROPRIATIONS MADE BY THE STATE LEGISLATURE IN AID OF THE UNIVERSITY AND AFFILIATED COLLEGES TO END OF THE THIRTY-FIFTH SESSION.

PURPOSE.	AMOUNT.	DATE.	CITATION.	REMARKS.
University Fund .....	\$396,064	March 26, 1868	Statutes 1867-8: 357.	Transfer of Bonds. See page 81.
Maintenance of University....	\$200,000	March 30, 1868	Statutes 1867-8: 583.	Appropriation effective as money received from sale of tide and other lands.
Maintenance of University....	Sufficient to pro- duce \$50,000 annually.	April 2, 1870	Statutes 1869-70: 668.	Endowment fund from sale of marsh and tide lands, and must be in- vested in bonds of this State or of U. S.
Maintenance of University....	Amount of def- iciency between income from all sources and ex- penditures for two years. To- gether with in- come not to ex- ceed \$6,000 monthly.	March 26, 1872	Statutes 1871-2: 554.	

Building purposes.....	\$300,000	April 1, 1872	Statutes 1871-2: 747.	\$15,000 to be devoted to agricultural and mechanical improvements and purposes; \$4,800 to library.
Maintenance of University....	\$84,800	March 30, 1874	Statutes 1873-4: 902.	
Construction of Mechanical Arts College.....	\$40,000	April 3, 1876	Statutes 1875-6: 751.	
Maintenance of University....		March 19, 1878	Statutes 1877-8: 337.	This act creates "Consolidated Perpetual Endowment Fund," etc.
Construction of Library and Art Gallery.....	\$25,000	April 1, 1878	Statutes 1877-8: 930.	To be used co-jointly with a like amount donated by H. D. Bacon.
University Mechanical Arts and University Agricultural College.....	\$20,000	April 1, 1878	Statutes 1877-8: 1008.	\$10,000 to each.
Hastings College of the Law	14,000	April 1, 1878	Statutes 1877-8: 1008.	Interest on endowment.
Promotion of Viticultural interests.....	\$3,000.	April 15, 1880	Statutes 1880: 53.	\$4,000 appropriated in same act to Board of State Viticultural Commissioners.

## APPROPRIATIONS MADE BY THE STATE LEGISLATURE, ETC.—Continued.

PURPOSE.	AMOUNT.	DATE.	CITATION.	REMARKS.
Reimbursement of University	\$4,785 annually.	March 4, 1881	Statutes 1881: 50.	To keep intact income from Endowment Fund from which \$79,750 was withheld by mistake. Repealed, Stats. 1893: 77.
Furnishing Bacon Art and Library building.....	\$10,000	May 12, 1881	Statutes 1881: 115.	
Mechanical and Mining Art College.....	8,000	May 12, 1881	Statutes 1881: 115.	
Agricultural Department.....	10,000	May 12, 1881	Statutes 1881: 115.	
Hastings College of the Law	14,000	May 12, 1881	Statutes 1881: 115.	Interest on endowment.
Mechanical College.....	\$10,000	March 9, 1883	Statutes 1883: 77.	
Mining Art College, continuing special investigations, etc.....	8,000	March 9, 1883	Statutes 1883: 77.	
Agricultural Department.....	15,000	March 9, 1883	Statutes 1883: 77.	
Physical Laboratory.....	5,500	March 9, 1883	Statutes 1883: 79.	



Department of Engineering..	5,000	March 9, 1883	Statutes 1883: 79.	Interest on endowment.
Hastings College of the Law	14,000	March 9, 1883	Statutes 1883: 76.	
Continuing and completing work, Department of Viticulture .....	2,000	March 9, 1883	Statutes 1883: 79.	
Continuing and completing work, Agricultural Laboratory .....	1,800	March 9, 1883	Statutes 1883: 79.	
Furnishing Bacon Library building.....	2,500	March 9, 1883	Statutes 1883: 79.	
Reimbursement of University	4,785	March 9, 1883	Statutes 1883: 78.	See Appr. Stats. 1881: 50.
Hastings College of the Law	3,300	March 15, 1883	Statutes 1883: 373.	Rent of rooms.
Protecting and improving buildings and grounds.....	\$11,000	March 9, 1883	Statutes 1883: 80.	
Hastings College of the Law	\$2,400	March 5, 1885	Statutes 1885:30.	Rent of rooms.
Continuing special investigation, Agricultural Department .....	\$359.79	March 10, 1885	Statutes 1885: 70.	To make up deficiency.

## APPROPRIATIONS MADE BY THE STATE LEGISLATURE, ETC.—Continued.

PURPOSE.	AMOUNT.	DATE.	CITATION.	REMARKS.
Hastings College of the Law	\$14,000	March 10, 1885	Statutes 1885: 85.	Interest on endowment.
Water supply and improvement of grounds and buildings.....	51,456	March 10, 1885	Statutes 1885: 87.	
College of Agriculture .....	23,500	March 10, 1885	Statutes 1885: 87.	
Viticultural work .....	\$10,000	March 10, 1885	Statutes 1885: 87.	Under Regents and Board of State Viticultural Commissioners.
College of Mechanical Engineering .....	12,000	March 10, 1885	Statutes 1885: 87.	
College of Civil Engineering	2,500	March 10, 1885	Statutes 1885: 87.	
Observatory for same.....	5,000	March 10, 1885	Statutes 1885: 87.	
College of Mines.....	10,000	March 10, 1885	Statutes 1885: 87.	
Department of Geology and Natural History.....	18,500	March 10, 1885	Statutes 1885: 88.	
Library .....	10,000	March 10, 1885	Statutes 1885: 88.	
Department of Physics.....	6,784	March 10, 1885	Statutes 1885: 88.	
Construction of sewer from Shattuck avenue to Bay .....	15,000	March 10, 1885	Statutes 1885: 87.	For joint benefit of University and Deaf, Dumb, and Blind Asylum.

Maintenance of University....	\$15,000	February 14, 1887	Statutes 1887: 2.	Ad valorem tax to be levied annually.
Hastings College of the Law	\$1,900	March 4, 1887	Statutes 1887: 16.	Rent of rooms.
Hastings College of the Law	\$ 2,400	March 18, 1887	Statutes 1887: 215.	Rent of rooms.
Hastings College of the Law	14,000	March 18, 1887	Statutes 1887: 215.	Interest on endowment.
Hastings College of the Law	\$14,000	March 21, 1889	Statutes 1889: 445.	Interest on endowment.
Hastings College of the Law	2,400	March 21, 1889	Statutes 1889: 445.	Rent of rooms.
Hastings College of the Law	\$2,400	April 6, 1891	Statutes 1891: 504.	Rent of rooms.
Hastings College of the Law	14,000	April 6, 1891	Statutes 1891: 504.	Interest on endowment.
Interest on State bonds in Endowment fund.....	\$24,922.50 semi-annually.	March 3, 1893	Statutes 1893: 76.	Repealing Act of March 4, 1881.
Agricultural Department, support and preservation of experimental station of State Board of Forestry....	\$4,000	March 23, 1893	Statutes 1893. 229.	This Act requires the transfer to the University of all property of the State Board of Forestry.

## APPROPRIATIONS MADE BY THE STATE LEGISLATURE, ETC.—Continued.

PURPOSE.	AMOUNT.	DATE.	CITATION.	REMARKS.
Buildings for Affiliated Colleges.....	\$250,000	March 23, 1895	Statutes 1895: 69.	
Agricultural Department for support of Forestry Stations.....	\$5,000	March 26, 1895	Statutes 1895: 122.	
Agricultural Department for support of Forestry Stations.....	\$1,545	March 26, 1895	Statutes 1895: 130.	Deficiency.
Promotion of Viticulture.....	\$2,500	March 27, 1895	Statutes 1895: 286.	Appro. to Regents.
Hastings College of the Law	\$14,000	March 28, 1895	Statutes 1895: 286.	Interest on endowment.
Hastings College of the Law	2,400	March 28, 1895	Statutes 1895: 286.	Rent of rooms.
Buildings for Affiliated Colleges.....	\$125,000	February 23, 1897	Statutes 1897: 14.	To renew one-half the appropriation of March 23, 1895, lapsed for non-user.

Maintenance of University. At least one-half for ten years to be used for land, buildings, and permanent improvements.....		February 27, 1897	Statutes 1897: 44.	One cent ad valorem tax to be levied annually.
Hastings College of the Law	\$14,000	April 1, 1897	Statutes 1897: 364.	Interest on endowment.
Hastings College of the Law	2,400			Rent of rooms.
Maintenance of University....	\$16,747.50	March 11, 1899	Statutes 1899; 93.	Made available from "University Fund."
University printing.....	\$10,500	March 17, 1899	Statutes 1899: 124.	
Hastings College of the Law	2,400	March 17, 1899	Statutes 1899: 124.	Rent of rooms.
Hastings College of the Law	14,000	March 17, 1899	Statutes 1899: 124.	Interest on endowment.
Maintenance of University....	\$200,000	March 8, 1901	Statutes 1901: 105.	
Maintenance of University....	\$50,000	March 8, 1901	Statutes 1901: 110.	To reimburse loss from Turner loan.

## APPROPRIATIONS MADE BY THE STATE LEGISLATURE, ETC.—Continued.

PURPOSE.	AMOUNT.	DATE.	CITATION.	REMARKS.
Maintenance of University.....		March 15, 1901	Statutes 1901: 307.	This Act declares that \$200,000 shall be carried into the general appropriation bill bi-annually.
University printing.....	\$2,500	February 26, 1901	Statutes 1901; 32.	For remainder of fifty-second fiscal year.
University printing.....	\$10,500	March 21, 1901	Statutes 1901: 529.	
Hastings College of the Law	14,000	March 21, 1901	Statutes 1901: 530.	Interest on endowment.
Improving and grading grounds of Affiliated Colleges.....	\$6,000	March 26, 1903	Statutes 1903: 516.	One-half available July 1, 1903; one-half July 1, 1904.
University printing.....	\$12,000	March 26, 1903	Statutes 1903: 540.	
Maintenance of University.....	200,000	March 26, 1903	Statutes 1903: 541.	
Hastings College of the Law	14,000	March 26, 1903	Statutes 1903: 541.	Interest on endowment

Farmers' Institutes .....	\$12,000	March 18, 1903	Statutes 1903: 205.
Protection of Viticultural in- terests .....	\$3,000	March 26, 1903	Statutes 1903: 522.
Agricultural experiment sta- tion for laboratory for test- ing fertilizers .....	\$1,800	March 20, 1903	Statutes 1903: 261.
University printing .....	\$5,000	March 13, 1903	Statutes 1903: 141.
Lick Observatory printing .....	5,000	March 13, 1903	Statutes 1903: 141.
Building on grounds of University .....	\$250,000	March 13, 1903	Statutes 1903: 142. For "California Hall."
Poultry experiment station at Petaluma .....	\$5,000	March 13, 1903	Statutes 1903: 143.

## CHAPTER IV.

## CONSTITUTIONAL PROVISIONS.

## Constitution of California, Article IX, Section 7.

[Amendment Adopted Nov. 6, 1894.]

State Board  
of Education

SEC. 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, and the Professor of Pedagogy therein, and the Principals of the State Normal Schools, shall constitute the State Board of Education. \* \* \* \* \*

## Constitution of California, Article IX, Section 9.

[Ratified May 7, 1879.]

University a  
Public TrustOrganic Act  
revivedEndowment  
by Act of  
1862  
inviolable

SECTION 9. The University of California shall constitute a public trust, and its organization and government shall be perpetually continued in the form and character prescribed by the organic Act creating the same, passed March twenty-third, eighteen hundred and sixty-eight (and the several Acts amendatory thereof), subject only to such legislative control as may be necessary to insure compliance with the terms of its endowments, and the proper investment and security of its funds. It shall be entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of its regents and in the administration of its affairs; *provided*, that all the moneys derived from the sale of public lands donated to this State by Act of Congress, approved July second, eighteen hundred and sixty-two (and the several Acts amendatory thereof), shall be invested as provided by said Acts of Congress, and the interest of said moneys shall be inviolably appropriated to the endowment, support, and maintenance



of at least one College of Agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and the mechanic arts, in accordance with the requirements and conditions of said Acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the State shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. No person shall be debarred admission to any of the collegiate departments of the University on account of sex.

Coeducation

This section of the Constitution has the effect of keeping unchangeable the terms of affiliation of those Colleges so joined with the University prior to its enactment, and the form of their government cannot be changed.

People *vs.* Kewen, 69 Cal. 215, and see Regents *vs.* January, 66 Cal. 507.

It makes ineffective the attempt by section 343, Political Code, to designate the Regents Civil Executive Officers. The Regents are not public officers.

Lundy *vs.* Delmas, 104 Cal. 655.

The University as created by this section of the Constitution and the legislation under it is a public corporation and an entity capable of taking by bequest. The fact that the Organic Act in terms provides that grants and gifts may be made to the Regents and to the State, and does not provide in terms that grants and gifts may be made to the University, does not indicate that it was intended that the University was to be incapable of taking by gift, grant or bequest.

Estate of Royer, 123 Cal. 615.

**Constitution of California, Article XIX, Sections 2 and 3.**

[Ratified May 7, 1879.]

Chinese not  
to be  
employed

SECTION 2. No corporation now existing or hereafter formed under the laws of this State shall, after the adoption of this Constitution employ, directly or indirectly, in any capacity, any Chinese or Mongolian. The Legislature shall pass such laws as may be necessary to enforce this provision.

Sections 178 and 179, Penal Code, were enacted in accordance with the direction herein contained. The section however, has been held to be in conflict with the treaty between the United States and China and void.

In *re* Parrott, 1 Fed. Rep. 481.

SEC. 3. No Chinese shall be employed on any State, county, municipal, or other public works, except in punishment for crime.

## CHAPTER V.

**FARMERS' INSTITUTES.**

**An Act authorizing the Regents of the State University to hold Farmers' Institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.**

[Approved March 18, 1903. Stats. 1903:205.]

Farmers'  
Institutes to  
be held by  
Regents

SECTION 1. The Board of Regents of the University of California is hereby authorized to hold institutes for the instruction of citizens of this State in the various branches of agriculture. Such institutes shall be held at such times, and at such places, as said board may direct. The said board shall make such rules and regulations as it may deem proper for organizing and conducting such institutes,

and may employ an agent or agents to perform such work in connection therewith as they deem best. The course of instruction at such institutes shall be so arranged as to present to those in attendance the results of the most recent investigations in theoretical and practical agriculture.

SEC. 2. The sum of twelve thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the use of the Regents of the University of California in discharging its duties, as prescribed in section one, during the two fiscal years following the passage of this Act. One-half of said sum, viz: six thousand dollars, shall be paid on the first day of July, nineteen hundred and three, and the remaining one-half (six thousand dollars) shall be paid on the first day of July, nineteen hundred and four. Appropriation

SEC. 3. The Controller is authorized and directed to draw his warrants for the above sums, payable to the order of the Treasurer of the University of California, and the Treasurer of the State is directed to pay the same.

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

## CHAPTER VI.

### FERTILIZERS.

**An Act to regulate the sale of Commercial Fertilizers or Materials used for Manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.**

[Approved March 20, 1903. Stats. 1903:259.]

SECTION 1. Every lot, parcel, or package of commercial fertilizers or materials to be used for manurial purposes (excepting the dung of domestic animals), sold, Fertilizers to be labeled

offered, or exposed for sale, within this State, shall be accompanied by a plainly printed label, stating the name, brand, and trade-mark, if any there be, under which the fertilizer is sold, the name and address of the manufacturer, importer, or dealer, the place of manufacture, and a chemical analysis, stating the percentages claimed to be therein; of nitrogen, specifying the form or forms in which it is present; of phosphoric acid, available and insoluble; and of potash, soluble in distilled water, and the materials from which all of said constituents are derived. All analyses are to be made according to the methods agreed upon by the American Association of Official Agricultural Chemists. In the case of those fertilizers, the selling price of which is less than eight dollars (\$8) per ton, said label need only give a correct general statement of the nature and composition of the fertilizer it accompanies.

And show  
analysis

Certain kinds  
to be named  
explicitly

SEC. 2. No person shall sell, offer, or expose for sale in this State, any pulverized leather, hair, ground hoofs, horns, or wool waste, raw, steamed, roasted, or in any form as a fertilizer, or as an ingredient of a fertilizer or manure, without an explicit statement of the fact; said statement to be conspicuously affixed to every package of such fertilizer or manure, and to accompany and go with every lot, parcel, or package of the same.

Certificates  
to be  
obtained  
authorizing  
sale when  
price is \$8  
per ton or  
more

SEC. 3. The manufacturer, importer, agent of, or dealer in any commercial fertilizers, or materials used for manurial purposes, the selling price of which to the consumer is eight (\$8) dollars or more per ton, shall, before the same is offered for sale, obtain a certificate of registration from the Secretary of the Board of Regents of the University of California, countersigned by the director of the Agricultural Experiment Station of the said University, authorizing the sale of fertilizers in this State, and shall securely fix to each lot, parcel, or package of fertilizer the word "registered" with the number of

registry. The manufacturer, importer, agent, or dealer obtaining such registry, shall pay to the said Secretary the sum of fifty (\$50) dollars, to be applied as provided in section nine of this Act; such registration shall expire on the thirtieth day of June of the fiscal year for which it was given; *provided*, the provisions of this section shall not apply to any agent whose principals shall have obtained a certificate of registration as herein provided. Every such manufacturer, importer, agent, or dealer, who makes or sells, or offers for sale, any such substances, under a name or brand, shall file, on or before the first day of July, in each year a statement, under oath, with said director, stating such name or brand, and stating the component parts in accordance with the provisions of section one of this Act, of the substances to be sold, or offered for sale, or manufactured under each such name or brand.

Registration

SEC. 4. The said director shall annually, on or before the first day of September, take samples in accordance with the provisions of section five hereof, of the substance made, sold, or offered for sale, under every such name or brand, and cause analyses to be made thereof in accordance with the provisions of section one hereof, and said analyses may include such other determinations as said director may at any time deem advisable. Dealers in, or manufacturers of fertilizers, must give free access to the director of the Agricultural Experiment Station, or his duly authorized deputy, to all the materials which they may place on the market for sale in California. Whenever the analysis certified by the director shall show a deficiency of not more than one-fourth of one per cent of nitrogen, or one per cent. of soluble or available phosphoric acid, or one-half of one per cent of potash soluble in distilled water, the statement of the manufacturer or importer, as required in section one of this Act, shall not be deemed to be false in the meaning of this Act; *provided*, that this

Samples to  
be examined

Act shall not apply to sales of fertilizing materials made to a registered manufacturer of fertilizers, or to sales for export outside of this State; *provided further*, that the said director of the Agricultural Experiment Station of the University of California shall, upon the receipt of a sample of fertilizer, accompanied with a nominal fee of two (\$2) dollars, furnish to the user of said commercial fertilizer, such examination or analysis of the sample as will substantially establish the conformity or non-conformity of the said fertilizer to the guarantee under which it was sold.

Selection of  
samples

SEC. 5. The director of the Agricultural Experiment Station of the University of California, in person or by deputy, is hereby authorized to take a sample not exceeding two pounds in weight for analysis by the said director, or his deputies, from any lot, parcel, or package of fertilizer, or material, or mixture of materials used for manurial purposes, which may be in the possession of any manufacturer, importer, agent, or dealer, but said sample shall be drawn in the presence of said party or parties in interest, or their representatives. In lots of five tons or less, samples shall be drawn from at least ten packages, or, if less than ten packages are present, all shall be sampled; in lots of over five tons, not less than twenty packages shall be sampled. The samples so drawn shall be thoroughly mixed, and from it two equal samples shall be drawn and placed in glass vessels, carefully sealed, and a label placed on each, stating the name or brand of the fertilizer or material sampled, the name of the party from whose stock the sample was drawn, and the time and place of drawing; and said label shall also be signed by the said director or his deputy making such inspection, and by the party or parties in interest, or their representatives present at the drawing and sealing of said samples. One of said duplicate samples shall be retained by the party whose stock was sampled, and the other by the director of the Agricultural Experiment Station of the University of California.

SEC. 6. The director of the Agricultural Experiment Station of the University of California shall publish in bulletin form, from time to time, at least annually, the results of the analyses hereinbefore provided, with such additional information as circumstances may advise. Bulletin.

SEC. 7. There is hereby appropriated for the use of the Agriculture Experiment Station of the University of California at Berkeley, Alameda County, as set forth in this Act, out of any moneys in the treasury not otherwise appropriated, the sum of eighteen hundred (\$1,800) dollars for the equipment of a laboratory, with the chemicals and apparatus, and other incidentals necessary to the successful prosecution of the work. Appropriation.

SEC. 8. In order to further provide for the necessary expenses of this work, there shall be paid by the manufacturer, importer, agent, or dealer, twenty-five cents for every ton of fertilizer sold, the selling price of which to the consumer is eight (\$8) dollars or more per ton. A statement sworn to by the manufacturer, importer, agent, or dealer, of such sales, shall be rendered quarterly to the secretary of the Board of Regents of the University of California, accompanied by the corresponding amount of the special license fee as above specified; *provided*, that whenever the manufacturer or importer shall have paid the special license fee herein required, for any person acting as agent or seller for such manufacturer or importer, such agent or seller shall not be required to pay the special license fee named in this section. On receipt of said special license fee and statement, the said secretary shall issue to the manufacturer, importer, agent, or dealer, a certificate of compliance with this section. License fee.

SEC. 9. All moneys, whether received from registry and analytical fees or special license fees, shall be paid to

Secretary of  
University to  
receive fees.

the secretary of the Board of Regents of the University of California, for the use of said Board in carrying out the provisions of this Act.

Penal clause.

SEC. 10. Any party selling, offering, or exposing for sale, any commercial fertilizer without the statement required by Section One of this Act, or with a label stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is actually contained therein, except as provided for in Section Four, or respecting the sale of which all the provisions of this Act have not been fully complied with, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in a sum not less than fifty (\$50) dollars and costs of action for the first offense, and one hundred (\$100) dollars and costs of the action for each subsequent offense. Said fines to be paid into the school fund of the county in which conviction is had.

Evidence.

SEC. 11. In any action, civil or criminal, in any court in this State, a certificate under the hand of said director, and the seal of said University, stating the results of any analysis, purporting to have been made under the provisions of this Act, shall be prima facie evidence of the fact that the sample or samples mentioned in said analysis or certificate were properly analyzed as in this Act provided; that such samples were taken as in this Act provided; that the substances analyzed contained the component parts stated in such certificate and analysis; and that the samples were taken from the parcels or packages or lots mentioned or described in said certificate.

SEC. 12. This Act shall take effect and be in force from and after July first, nineteen hundred and three.



## CHAPTER VII.

## FINANCE AND ENDOWMENT.

An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

[Act of Congress approved July 2, 1862. 12 U. S. Stats. at Large 503.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be granted to the several States, for the purposes hereinafter mentioned, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of eighteen hundred and sixty: *provided*, that no mineral lands shall be selected or purchased under the provisions of this Act.

States to receive 30,000 acres for each Senator and Representative.

SEC. 2. *And be it further enacted*, That the land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, not less than one quarter of a section; and whenever there are public lands in a State subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State, and the Secretary of the Interior is hereby directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre, to which said State may be entitled under the provisions of this Act, land scrip to the amount in acres for the deficiency of its distributive share: said

Manner of selection.

scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in this Act, and for no other use or purpose whatsoever: *provided*, that in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State, or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at one dollar and twenty-five cents, or less, per acre: *and provided, further*, that not more than one million acres shall be located by such assignees in any one of the States: *and provided, further*, that no such location shall be made before one year from the passage of this Act.

Expenses paid  
by States.

SEC. 3. *And be it further enacted*, That all the expenses of management, superintendence, and taxes from the date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever, to the purposes hereinafter mentioned.

Investment of  
proceeds.

SEC. 4. *And be it further enacted*, That all moneys derived from the sale of lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks; or the same may be invested by the States having no State stocks, in any other manner after the legislatures of such States shall have assented thereto, and engaged that such funds shall yield not less than five per centum upon the amount so invested, and that the principal thereof shall forever remain unimpaired; *provided*, that the moneys so invested or loaned

shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section five of this Act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this Act, to the endowment, support, and maintenance of at least one college where the leading object shall be without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

For  
maintenance  
of College of  
Agriculture  
and Mechanic  
Arts.

This section was amended as given March 3, 1883 (22 U. S. Stats. at Large 484), so as to give an option of investment to those States having no State stock. It formerly required that the United States or State stocks should yield not less than five per cent. on the par value.

SEC. 5. *And be it further enacted,* That the grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by the legislative Acts:

*First*—If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this Act, except that a sum, not exceeding ten per centum upon the amount received by any State under the provisions of this Act, may be expended

Fund to be  
kept  
perpetually  
intact.

for the purchase of lands for sites or experimental farms, whenever authorized by the respective Legislatures of said States.

Not to be used  
for Buildings.

*Second*—No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.

Time limit for  
establishing  
College.

*Third*—Any State which may take and claim the benefit of the provisions of this Act shall provide, within five years, at least not less than one college, as described in the fourth section of this Act, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold, and that the title to purchasers under the State shall be valid.

Reports.

*Fourth*—An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their cost and results, and such other matters, including State industrial and economical statistics, as may be supposed useful; one copy of which shall be transmitted by mail, free, by each to all the other colleges which may be endowed under the provisions of this Act, and also one copy to the Secretary of the Interior.

Lands raised  
in price  
through  
railroad grants.

*Fifth*—When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the State at the maximum price, and the number of acres proportionately diminished.

*Sixth*—No State, while in a condition of rebellion or insurrection against the Government of the United States, shall be entitled to the benefit of this Act.

Time limit for  
acceptance.

*Seventh*—No State shall be entitled to the benefits of this Act unless it shall express its acceptance thereof, by its Legislature, within two years from the date of its approval by the President.

SEC. 6. *And be it further enacted*, That land scrip issued under the provisions of this Act shall not be subject to location until after the first day of January, one thousand eight hundred and sixty-three.

SEC. 7. *And be it further enacted*, That the land officers shall receive the same fees for locating land scrip issued under the provisions of this Act, as is now allowed for the location of military bounty land warrants under existing laws; *provided*, their maximum compensation shall not be thereby increased. Fees

SEC. 8. *And be it further enacted*, That the Governors of the several States to which scrip shall be issued under this Act, shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds. Report of sales

This Act is commonly known as the Morrill Act.

### **An Act for the Endowment of the University of California.**

[Approved April 2, 1870. Stats. 1869-70:668.]

SECTION 1. The Treasurer of State shall place to the credit of the University Fund so much of any moneys that may be received by him from the net proceeds of sale of any salt marsh and tide lands lying in and around the Bay of San Francisco, belonging to the State of California, as, being invested in the bonds of said State, or of the United States, shall yield an annual income of fifty thousand dollars. Proceeds from Salt Marsh and Tide Lands up to \$50,000 a year

SEC. 2. Said moneys shall be a fund, the capital of which shall remain undiminished, and the interest of which shall be inviolably applied to the support of the University of California; *provided*, that if at any time the income accruing to the University from the fund created by this Applied to support of University

Act, and the net income derived from all other sources shall together exceed an average for the preceding years, reckoning from the date of the passage of this Act, of fifty thousand dollars per annum, then the excess above said average of fifty thousand dollars per annum shall be paid into the Common School Fund of the State.

Bonds to be  
purchased,

SEC. 3. Whenever the sum paid into the University Fund from the proceeds of the sale of salt marsh and tide lands, as directed in Section One, shall amount to fifty thousand dollars, net proceeds, it shall be the duty of the Treasurer to advertise, in two daily newspapers published in English, in each of the Cities of San Francisco and Sacramento, for sealed proposals for the surrender of any of the civil bonds of the State of California, or of any gold-bearing bonds of the United States. He shall state in such advertisement the amount of money on hand applicable to the purchase of bonds, and he shall accept such proposals as will yield the greatest amount of annual interest in gold coin of the United States.

and endorsed  
"University  
Fund"

SEC. 4. All bonds thus purchased shall be indorsed "University Fund," and shall be held by the Treasurer of State, who shall collect the interest thereon, which interest, when collected, shall be paid into the University Fund to the extent provided for in Section Two of this Act, and paid out therefrom, semi-annually, to the Regents of the University, upon their order, to be by them expended for University purposes; *provided*, no portion of said interest so received shall be used for the erection or purchase of buildings nor for the purchase of lands.

SEC. 5. Whenever the principal of any of the bonds indorsed "University Fund," in the hands of the Treasurer, shall be paid, the amount so paid shall be reinvested in like manner as is provided for in Section Three.

**An Act to Consolidate certain funds and to create therefrom a permanent endowment for the University of California, of which the interest only shall be used by the Board of Regents to meet current expenses.**

[Approved March 19, 1878. Stats. 1877-8:337.]

SECTION 1. That the entire principal sums which have been or may be hereafter realized from the several sources of income and endowment funds of the University of California, to wit, the principal sum derived from the sale of lands granted to the State of California by Act of Congress, approved July 2, 1862, and amendments thereto and the principal sum derived from the sale of the seventy-two (72) sections of land granted to the State of California for the use of a seminary of learning, by Act of Congress, approved March 3, 1853, and the principal sum derived from the sale of the ten (10) sections of land granted to the State of California for public buildings, by said Act of Congress, approved March 3, 1853, and the principal sum which the Treasurer of the State of California was directed, by Act of the Legislature, approved April 2, 1870, to place to the credit of the University Fund, and which, being invested in the bonds of the State or of the United States, should yield an annual income of fifty thousand dollars, and the principal sum now remaining on hand derived from the sale of the real estate in Oakland, Alameda County, and State of California, known as the "Brayton property," shall be from time to time, as the same is realized, invested in stocks of the United States or of the State, or other safe stocks or bonds, yielding not less than five (5) per centum upon the par value of said stocks or bonds, and the money so invested shall constitute a perpetual fund, to be known and designated as the "Consolidated Perpetual Endowment Fund of the University of California," the capital of which shall remain forever undiminished; provided, that any moneys realized

Certain  
endowments  
consolidated  
into  
Consolidated  
Perpetual  
Endowment  
Fund,

and proceeds  
to be invested  
to yield  
five per cent.  
annually,

from said sources of Income or Endowment Funds, or either of them, which have been heretofore invested according to law, may remain so invested. And it is further provided, that all such stocks and bonds as aforesaid shall be deposited in the State Treasury to the credit of said fund, and shall be kept separate and apart from all other funds by the State Treasurer, who shall pay over from time to time all interest, profits, income, or revenue arising from such stocks or bonds to the Treasurer of said University upon the demand or order of the Regents of the University."

SEC. 2. That all interest, profits, or revenue arising from or growing out of the said "Consolidated Permanent Endowment Fund of the University of California" shall be placed in the general fund of the University, and subject to disbursement to meet the current annual expenses of the University of California.

to go into  
General Fund  
of University

SEC. 3. That all Acts or parts of Acts [or parts of Acts] in conflict herewith are hereby repealed.

SECTION 2. The Lick Observatory, being by the terms of the gift, received and made part of the University, may be supported out of the general University funds provided in this Act.

Report of Law Committee, SECRETARY'S REPORT, 1887:77.

See notes to the Act following.

**An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same.**

[Approved March 7, 1883. Stats. 1883:54.]

SECTION 1. The Regents of the University of California shall have the exclusive control and management of all the funds, endowments, and donations of the University

Regents to  
control and  
invest funds,



of California, and are charged with the duty and responsibility of investing and reinvesting the same; *provided*, that said Regents shall deposit in the State Treasury for safe keeping such funds and securities as are now by law required to be there deposited.

and to deposit securities with State Treasurer,

SEC. 2. The Treasurer of the State of California is hereby required to receive and safely keep all funds and securities deposited as herein provided in the State Treasury by the Regents of the University of California, subject at all times to the control and management of said Regents; and the State Treasurer shall deliver any or all of said securities and funds so deposited in the State Treasury to the Treasurer of the Regents of the University of California, upon presentation to him of a resolution of the said Regents indorsed by the Governor of the State demanding the same or any portion thereof.

who shall deliver them to Treasurer of University upon resolution of Regents

SEC. 3. The Regents of the University of California are authorized and empowered to invest and reinvest any or all the funds of the University of California in such manner and upon such security as they may deem best for the interest of the University of California; *provided*, that they shall in good faith respect all the conditions and limitations of such endowments and donations as have been made under conditions or limitations.

Conditions of Endowment to be observed

SEC. 4. All Acts or parts of Acts in conflict herewith are hereby repealed.

SEC. 5. This Act shall take effect from and after its passage.

Under this Act it becomes the duty of the State Treasurer, upon the presentation of a resolution of the Regents, endorsed by the Governor, and requesting the delivery of funds of the University there deposited, to deliver them as required by law to comply therewith. He cannot require in addition a warrant of the Controller or a

deposit of equivalent security, nor can he question the use the Regents propose to make of the money.

Regents *vs.* January, 66 Cal. 507.

Regents *vs.* Dunn, 6 Pac. Rep. 377.

See Organic Act, page 44.

The Finance Committee has reported as follows:

The decision rendered by the Supreme Court in the case of the Regents *vs.* January, settles several legal questions, and simplifies the methods of controlling University funds. In the opinion of the attorney of the Board, the following propositions may be accepted:

1. That funds in the hands of the State Treasurer belonging to the Consolidated Perpetual Endowment Fund can be drawn without a Controller's warrant.

2. That bonds in the custody of the State Treasurer may be withdrawn by order of the Board without the deposit of an equivalent in money or bonds.

3. That the Regents have sole control of all its investments, and that the State Treasurer and Controller cannot interfere with any action that may be taken by the Board of Regents in the investment of funds.

4. That it is a just inference from the said decision that the Regents can loan all the funds of the University not limited in the donation, upon real estate.

The above report indicates the policy of the Board as now understood and acted upon by the Finance Committee.

SECRETARY'S REPORT, 1885:5.

**An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor.**

[Approved February 14, 1887. Stats. 1887:2.]

SECTION 1. There is hereby levied, annually, for each fiscal year, an "ad valorem" tax of one cent upon each one hundred dollars of value of the taxable property of the State, which tax shall be collected by the several officers charged with the collection of State taxes, in the same

Levy of one  
cent ad  
valorem tax,

manner and at the same time as other State taxes are collected, upon all or any class of property, which tax is for the support of the University of California.

SEC. 2. The State Board of Equalization, at the time when it annually determines the rate of State taxes to be collected, must at the same time declare the levy of said rate of one cent, and notify the Auditor and Board of Supervisors of each county thereof.

declared by  
State Board of  
Equalization,

SEC. 3. The money collected from said rate, after deducting the proportionate share of expenses of collecting the same to which other State taxes are subject, must be paid into the State Treasury, and to be by the State Treasurer converted into a separate fund, hereby created, to be called the "State University Fund."

for State  
University  
Fund,

SEC. 4. The money paid into the said "State University Fund" is hereby appropriated, without reference to fiscal years, for the use and support of the University of California, and is exempted from the provisions of part three, title one, article eighteen, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the Board of Examiners. When there is any money in the said fund, the same may be drawn out upon the order of the Board of Regents of the University of California, or such officers of the Board as may be duly authorized thereto. Upon the receipt of the order, the Controller must draw his warrant upon the State Treasurer, payable to the order of the Treasurer of the University of California, out of the said "State University Fund."

subject to  
order of  
Regents,

SEC. 5. The money derived from said fund must be applied only to the support and permanent improvement of the University, and the Board of Regents must include in its biennial report to the Governor a statement of the manner and for what purposes the money was expended.

for support  
and  
permanent  
improvements

SEC. 6. This Act takes effect immediately.

SECTION 5. The Regents have considered that this subdivision allowed money provided by the Act to be used if necessary in support of the Observatory on Mt. Hamilton.

Report of Law Committee. SECRETARY'S REPORT, 1887: 78.

See Act of February 27, 1897, page 96.

**An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an Act of Congress, approved July 2, 1862.**

[Approved August 30, 1890. 26 U. S. Stats. at Large 417.]

Appropriation  
by Congress  
for more  
complete  
Endowment of  
Land Grant  
Colleges

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That there shall be, and hereby is, annually appropriated, out of any money in the treasury not otherwise appropriated, arising from the sales of public lands, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with an Act of Congress approved July 2, 1862, the sum of \$15,000 for the year ending June 30, 1890, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of \$1,000 over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be \$25,000, to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction:

Limitation of  
Subjects of  
Instruction

*Provided*, That no money shall be paid out under this Act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this Act if the funds received in such State or Territory be equitably divided as hereinafter set forth.

No distinction  
of race or  
color,

*Provided*, That in any State in which there has been one college established in pursuance of the Act of July 2, 1862, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the Act to which this Act is an amendment, the Legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this Act between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this Act and subject to its provisions, as much as it would have been if it had been included under the Act of 1862, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

unless State  
maintains  
college also  
for colored  
students

SEC. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the treasury of the United States, to the

Time and  
manner of  
payment

State or Territorial Treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the Trustees of the college, or the institution for colored students, immediately pay over said sums to the Treasurers of the respective colleges or other institutions entitled to receive the same, and such Treasurers shall be required to report to the Secretary of Agriculture and to the Secretary of the Interior, on or before the first day of September of each year, a detailed statement of the amount so received and of its disbursement. The grants of moneys authorized by this Act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *provided*, that payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of the Legislature meeting next after the passage of this Act shall be made upon the assent of the Governor thereof, duly certified to the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support, and maintenance of colleges, or of institutions for colored students, as provided in this Act, shall by any action or contingency be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the President of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its

Appropriations  
lost or  
misapplied to  
be replaced

Reports

receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their cost and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this Act.

SEC. 4. That on or before the first day of July in each year after the passage of this Act, the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this Act, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of the Interior shall withhold a certificate from any State or Territory of its appropriation the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. And the Secretary of the Interior is hereby charged with the proper administration of this law.

Duties of  
Secretary of  
Interior

SEC. 5. That the Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and if so the reasons therefor.

SEC. 6. Congress may at any time amend, suspend, or repeal any or all of the provisions of this Act.

An Act expressing assent of the State of California to the Act of Congress, approved August 30, 1890, entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an Act of Congress, approved July second, eighteen hundred and sixty-two," and to the purposes of the grants of moneys authorized thereby, and to all the provisions thereof.

[Approved March 31, 1891. Stats. 1891:458.]

Assent of  
State to the  
foregoing Act

SECTION 1. The State of California hereby assents to the purposes of the grants of moneys authorized by the Act of Congress, approved August thirtieth, eighteen hundred and ninety, and to all the provisions thereof, of which Act the following is a copy.

(Here follows the Act, as given on page 86.)

An Act to provide for the payment of interest on the outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund; to repeal an Act of the Legislature of the State of California, approved March 4, 1881, entitled "An Act to appropriate money to reimburse the University of California, for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes," and making an appropriation to pay the interest on said outstanding bonds, from January 1 to July 1, 1893.

[Approved March 3, 1893. Stats. 1893:75.]

WHEREAS, There was on the first day of January, eighteen hundred and ninety-three, outstanding and unpaid two million five hundred and twenty-eight thousand five hundred dollars of Funded Debt Bonds of eighteen hundred and seventy-three, issued by the State of California, bear-



ing interest at the rate of six per cent. per annum ; and whereas, the people of the State of California, at the election held on the eighth day of November, eighteen hundred and ninety-two, refused to refund said bonds; and whereas, the whole of said bonds, excepting the sum of two hundred and fifty-one thousand dollars, are held by the State of California in trust as follows: For the support of the State School Fund, one million five hundred and twenty-six thousand five hundred dollars, and for the University Fund, in support of the State University, seven hundred and fifty-one thousand dollars; and whereas, the period for which said bonds were to run having expired, and the coupons originally attached thereto having been paid; and whereas, at the present session of the Legislature a law has been passed providing for the payment and cancellation of the bonds held by private individuals in the sum of two hundred and fifty-one thousand dollars, together with interest thereon; and whereas, it has become necessary for the State to pay interest on the bonds so held in trust, or to pay said bonds in full, and there being no money in the State Treasury to pay the same, or any part thereof; therefore,

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

SECTION 1. The State of California hereby agrees to pay and will pay, interest on said outstanding bonds so held in trust for the benefit of the State School Fund and The University Fund at the rate of six per cent. per annum, payable semi-annually, from January first, eighteen hundred and ninety-three, on the second of January and July of each year, and the faith of the State of California is hereby pledged for the payment of the interest as herein provided.

State to pay  
interest on  
certain Bonds

SEC. 2. The State Treasurer shall hereafter pay, semi-annually, on the second of January and July of each year,

and on  
Diverted Fund,  
to the  
University,

to the University of California, the sum of twenty-four thousand nine hundred and twenty-two dollars and fifty cents, the same being the interest at the rate of six per cent per annum, on the outstanding bonds held by said University against the State, of the face value of seven hundred and fifty-one thousand dollars, and belonging to the Endowment Fund provided by Congress, to which is added the sum of seventy-nine thousand seven hundred and fifty dollars, also belonging to said Endowment Fund of said University, the interest on which has heretofore been provided for by the Act of March fourth, eighteen hundred and eighty-one.

and for  
Common  
Schools

SEC. 3. The State Treasurer shall also, as in the preceding section, pay over, semi-annually, as now required by law, for the support of the common schools of the State, the sum of forty-five thousand seven hundred and ninety-five dollars, the same being the semi-annual interest, computed at the rate of six per cent per annum, due from the State on the bonds belonging to the Common School Fund, now held by the State Treasurer, of the face value of one million five hundred and twenty-six thousand five hundred dollars.

See Act of July 2, 1862, page 75.

SEC. 4. [Amended; see page 95.]

Manner of  
payment

SEC. 5. It shall be the duty of the State Treasurer to pay the interest on said bonds so held in trust when the same falls due, out of said Interest and Sinking Fund; *provided*, that the Controller of State shall first draw his warrant on the treasury, payable to the order of said State Treasurer, for the amount of interest money about to become due, which said warrant shall be drawn at least one month previous to the maturing of the interest.

SEC. 6. The Act of the Legislature of the State of California, approved March fourth, one thousand eight hundred and eighty-one, entitled, "An Act to appropriate money to

reimburse the University of California for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes," is hereby repealed.

SEC. 7. There is hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise appropriated, the sum of sixty-eight thousand three hundred and twenty-five dollars, to pay the interest on said outstanding bonds so held in trust, from January first to July first, one thousand eight hundred and ninety-three. It shall be the duty of the State Treasurer to pay the interest on said bonds when the same falls due, out of the moneys hereby appropriated; *provided*, that the Controller of State shall first draw his warrant on the State Treasury, payable to the order of said State Treasurer, for the amount of interest money about to become due, which said warrant shall be drawn at least one month previous to the maturing of the interest.

Appropriation

SEC. 8. This Act shall take effect from and after its passage.

**An Act to amend the title to an Act entitled "An Act to provide for the payment of interest on the outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund; to repeal an Act of the Legislature of the State of California, approved March 4, 1881, entitled 'An Act to appropriate money to reimburse the University of California for money heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes,' and making an appropriation to pay the interest on said outstanding bonds, from January 1 to July 1, 1893," approved March 3, 1893; to amend section four of the same Act, and to appropriate the sum of \$16,747.50, now in the University Fund and unavailable.**

[Became a law, without approval, March 11, 1899. Stats. 1899:93.]

Title of  
preceding act  
amended

SECTION 1. The title to an Act antititled "An Act to provide for the payment of interest on the outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund; to repeal an Act of the Legislature of the State of California, approved March fourth, eighteen hundred and eighty-one, entitled 'An Act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes,' and making an appropriation to pay the interest on said outstanding bonds, from January first to July first, eighteen hundred and ninety-three," approved March third, eighteen hundred and ninety-three, is hereby amended so as to read as follows:

to include  
Diverted Fund

An Act to provide for the payment of interest on the outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund, and on the sum of seventy-nine thousand seven hundred and fifty dollars, diverted funds belonging to the Endowment Fund of the University of California; to repeal an Act of the Legislature of the State of California, approved March fourth, eighteen hundred and eighty-one, entitled "An Act to appropriate money to reimburse the University of California, for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes," and making an appropriation to pay the interest on said outstanding bonds from January first to July first, eighteen hundred and ninety-three.

SEC. 2. Section four of the same Act is hereby amended so as to read as follows:

Section 4. For the payment of the interest on said outstanding bonds so held in trust, and on said diverted

funds, as herein provided, there shall be levied annually, by the State Board of Equalization, such rate of tax on each one hundred dollars of the assessed value of the real and personal property in the State, to be computed by the Controller of State, on the basis of the assessed value of such property for the preceding year, as shall produce annually the interest on such bonds and diverted funds provided to be paid in sections one, two, and three of this Act. The State Board of Equalization shall certify the rate of tax thus computed to the several County Auditors, and the said Auditors are hereby directed and required to enter such rate on the assessment rolls of their respective counties, in the same manner and with the same effect as is provided by law in relation to other State taxes. Every tax levied under the provision or authority of this Act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in March of each year, and shall not be satisfied or removed until such tax has been paid or the property sold in satisfaction thereof. All moneys derived from taxes authorized by the provisions of this section shall be paid into the State Treasury to the credit of the Interest and Sinking Fund, and shall be applied to the payment of the interest as herein provided for; *provided*, that all the moneys remaining in the State Treasury to the credit of said Interest and Sinking Fund on the fifteenth day of July each year, after the interest on such bond so held in trust, and on said diverted funds, has been paid, shall be transferred by the Treasurer of State, on the order of the Controller of State, to the General Fund.

Tax rate to be  
levied

SEC. 3 The sum of sixteen thousand seven hundred and forty-seven dollars and fifty cents, now in the University Fund and unavailable, is hereby appropriated to the uses of the University of California.

Appropriation

SEC. 4. This Act shall take effect immediately.

SEC. 2. That portion of Sec. 2, relating to the interest on \$79,750, not being referred to in the title of the Act, is unconstitutional according to an opinion of the Attorney-General reported in

SECRETARY'S REPORT, 1896: 43.

**An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements for the University of California, by the levy of a rate of taxation, and the creation of a fund therefor.**

[Approved February 27, 1897. Stats. 1897: 44.]

SECTION 1. In addition to all other sources and means of support, maintenance, advantage, and improvement of the University of California, there is hereby levied, annually, for each fiscal year, an "ad valorem" tax of one cent upon each one hundred dollars of value of the taxable property of the State, which tax shall be collected by the several officers charged with the collection of state taxes, in the same manner and at the same time as other state taxes are collected, upon all or any class of property; which tax is for the use and support of the University of California.

Second one  
cent ad  
valorem tax  
provided,

SEC. 2. The State Board of Equalization, at the time when it annually determines the rate of State taxes to be collected, must at the same time declare the levy of said rate of one cent, and notify the Auditor and Board of Supervisors of each county thereof.

to be declared  
annually,

SEC. 3. The money collected from said rate, after deducting the proportionate share of expenses of collecting the same to which other State taxes are subject, must be paid into the State treasury, and be by the State Treasurer converted into the "State University Fund."

for State  
University  
Fund,

SEC. 4. The money paid into the said "State University Fund" is hereby appropriated, without reference to fiscal years, for the use and support of the University of California, and is exempted from the provisions of part three, title one, article eighteen, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the Board of Examiners. When there is any money in said fund, the same may be drawn out upon the order of the Board of Regents of the University of California, or such officers of the Board as may be duly authorized thereto. Upon the receipt of the order, the Controller must draw his warrant upon the State Treasurer, payable to the order of the treasurer of the University of California, out of said "State University Fund," and the said Treasurer must pay the same.

subject to  
order of  
Regents,

SEC. 5. The money derived from said fund must be applied only to the uses and purposes of the University of California, and the Board of Regents must include in its biennial report to the Governor a statement of the manner and for what purposes the money was expended; *provided*, that not less than one-half of the revenues raised hereunder, during the first ten fiscal years after this Act takes effect, shall be devoted solely to the purposes of acquiring lands, buildings, and permanent improvements for the University.

for uses of  
University,

but one-half for  
ten years for  
permanent  
improvements

SEC. 6. This Act shall take effect immediately.

The Law Committee and Counsel for the Board of Regents reported that the words "permanent improvements" in this act mean whatever may be necessary to make the buildings or grounds useful for the purposes for which they are intended.

SECRETARY'S REPORT 1897: 107.

See Act of Feb. 14, 1887, page 84.

**An Act making an appropriation of fifty thousand (\$50,000.00) dollars for the use and benefit of the University of California, directing the special purpose therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.**

[Approved March 8, 1901. Stats. 1901: 110.]

WHEREAS, By the terms of the Act of Congress, approved the second day of July, A.D. eighteen hundred and sixty-two, granting certain public lands to the several States and Territories of the United States to provide a perpetual fund for the endowment, support and maintenance of colleges, it was prescribed that the capital thereof shall remain forever undiminished, and further, that if any portion thereof should in any event be lost, the State to which it belongs shall replace the amount, so that the capital of the fund shall remain forever undiminished; and

WHEREAS, William C. Turner, late of Merced, California, did in his lifetime borrow from the Regents of the University of California, a beneficiary of the Act of Congress aforesaid, the sum of forty-seven thousand (\$47,000.00) dollars, money of the perpetual fund provided for the University of California by the said Act of Congress, and a loss or diminution of the perpetual fund may by possibility result therefrom; now, therefore,

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

\$50,000  
appropriated  
to meet  
possible loss  
in endowment  
fund through  
Turner loan

SECTION 1. The sum of fifty thousand (\$50,000.00) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the use, benefit, maintenance, and support of the University of California. The sum hereby appropriated shall be in addition to all other sums of money provided for the use of the University of California; but in the event any diminu-



tion of the perpetual endowment fund of the University of California results from the loan to William C. Turner, above mentioned, or loss is caused thereby, the money hereby appropriated, or so much thereof as shall be necessary therefor, shall be used by the Regents of the University of California to make good such diminution or loss, and the residue only shall be put into the University Fund; but in the event no loss or diminution arises from the loan to William C. Turner, aforesaid, then the whole of the money hereby appropriated shall be paid into the University Fund.

SEC. 2. The controller is authorized and directed to draw his warrant for the sum hereby appropriated, payable to the treasurer of the University of California, and the treasurer of State is directed to pay the same.

SEC. 3. This Act shall be in effect from and after its passage.

**An Act to provide a continuous appropriation for the support and maintenance of the University of California, to be an item of the general appropriation bill.**

[Approved March 15, 1901. Stats. 1901: 307.]

SECTION 1. It is hereby declared that it is necessary and expedient for the State of California to provide a permanent increase of the funds of the University of California.

SEC. 2. In addition to all other sums of money or funds provided for the support and maintenance of the University of California, and commencing with the fifty-fifth fiscal year, there shall be an appropriation biennially of the sum of two hundred thousand (\$200,000.00) dollars therefor, which sum shall be carried into the general appropriation bill as are the items of appropriation for other State institutions, and be an item thereof.

Biennial  
Appropriation  
of \$200,000

## CHAPTER VIII.

## FORESTRY.

An Act to repeal an Act entitled "An Act to create a State Board of Forestry, and to provide for the expenses thereof," approved March 3, 1885, and the Act amendatory thereof, approved March 7, 1887, and to make an appropriation for the maintenance and preservation of the property of said Board of Forestry.

[Approved March 23, 1893. Stats. 1893:229.]

SECTION 1. An Act entitled "An Act to create a State Board of Forestry, and to provide for the expenses thereof," approved March third, eighteen hundred and eighty-five, is hereby repealed.

Transfer of  
property of  
State Board of  
Forestry

SEC. 2. All the real and personal property of the said Board, on or before the first day of July, eighteen hundred and ninety-three, shall be assigned, made over, and transferred to the Agricultural Department of the University of California.

Appropriation  
for  
Experimental  
Station

SEC. 3. There is hereby appropriated the sum of four thousand dollars out of any money in the State Treasury not otherwise appropriated, payable to the Agricultural Department of the University of California, for the support, maintenance, and preservation of the Experimental Stations of the State Board of Forestry, and the Controller is hereby directed to draw his warrant for the same.

SEC. 4. This Act shall take effect from and after July first, eighteen hundred and ninety-three.

## CHAPTER IX.

## GEOLOGICAL SURVEY.

**An Act to authorize the distribution of the reports of the State Geological Survey.**

[Approved February 2, 1872. Stats. 1871-2:55.]

SECTION 1. On the application of any Consul residing in the City of San Francisco and representing an European Government, to the Governor of the State of California, requesting a set of the reports of the State Geological Survey, to be deposited in some well-known and established scientific or literary institution under the control of the Government of which he is the accredited representative, an order may issue from the Governor to the Secretary of State or the State Geologist, as the case may be, directing them to furnish one such set of reports only to each nation having a Consul residing in San Francisco; *provided* further, that the State Superintendent of Public Instruction shall be furnished, on demand to the Secretary of State and the State Geologist, with one set for the State Normal School, two sets for the State University, and two sets for the State Library.

Sets of  
reports for  
University

SEC. 2. The Secretary of State or the State Geologist, on the presentation of such order, shall deliver to the party therein named such sets or parts of set of the reports of the State Geological Survey as may be designated, taking his receipt therefor. They shall annually, on the first day of September of each year, report to the Governor the number of volumes so issued, at whose request, and to what institution presented.

SEC. 3. This Act shall take effect immediately.



An Act to provide the preservation of the material of the Geological Survey of California.

[Approved March 27, 1874. Stats. 1873-4:694.]

State Geologist  
to deliver up  
all property of  
Geological  
Survey

SECTION 1. It shall be the duty of the State Geologist to deliver to the President of the University of California, at Berkeley, in this State, all instruments, accoutrements, furniture, property, maps, books, drawings, manuscripts, notes, engravings, lithographic stones, wood cuts, field notes, and other material of every description and nature belonging or appertaining to the Geological Survey of California; such surrender and delivery to be made without delay.

SEC. 2. The Regents of the University of California shall safely keep and preserve, at the said University, all the property and material referred to in section one of this Act, until such time as the Legislature may direct otherwise.

Appropriation

SEC. 3. The sum of five thousand dollars is hereby appropriated out of any money in the General Fund not otherwise appropriated, to pay the necessary cost of arranging, packing, transporting, and delivering the said property and material; and the Controller shall draw his warrant or warrants for such purpose, not to exceed said sum of five thousand dollars, when directed to do so by the State Board of Examiners, and the Treasurer shall pay the same.

Sale of  
Reports

SEC. 4. The Regents of said University shall keep on hand and offer for sale all volumes of reports and maps published by said Geological Survey; they may also, as soon as the present supply of reports and maps is exhausted, cause any portion of the same to be republished and sold at the prices now provided or that may hereafter be provided by law; *provided*, that said republication shall be done without cost to the State; *provided further*, that

the proceeds of the sale of such maps and reports, over and above the cost of publication, shall be paid into the State Treasurer and by him credited to the School Fund of the State.

SEC. 5. This Act shall take effect immediately.

#### Code Sections.

POL. C. SEC. 550. The geological and other specimens collected by the State Geological Survey, must, excepting such as may be required by the State Geologist to aid in the preparation of his reports, be delivered over to the Regents of the State University, to be by them deposited in the cabinet of the same as the property of the University.

POL. C. SEC. 2242. The State Geologist and Regents of the University may make up from duplicate specimens under their control, a geological cabinet for the use of the Asylum.

The reference is to the Deaf, Dumb and Blind Asylum.

See Sec. 24, Organic Act, page 45.

### CHAPTER X.

#### GIFTS, DEVISES AND BEQUESTS.

CIVIL C. SEC. 1313. No estate, real or personal, shall be bequeathed or devised to any charitable or benevolent society, or corporation, or to any person or persons in trust for charitable uses, except the same be done by will duly executed at least thirty days before the decease of the testator; and if so made, at least thirty days prior to such death, such devise or legacy, and each of them shall be valid; provided, that no such devises or bequests shall collectively exceed one-third of the estate of the testator leaving legal heirs, and in such case a pro rata deduction from such devises or bequests shall be made so as to reduce the aggre-

University  
subject to  
restriction in  
devise

gate thereof to one-third of such estate; and all dispositions of property made contrary hereto shall be void, and go to the residuary legatee or devisee, next of kin, or heirs according to law. [En. Stats. 1873-4:275.]

The University, while a governmental institution and an instrumentality of the State, is not clothed with the sovereignty of the State, and is not the sovereign and does not come within the rule exempting the sovereign from the operation of statutes affecting its interests or rights. The above section, therefore, limiting certain devises to one-third of the estate of the testator, applies to the University as a public corporation.

Estate of Royer, 123 Cal. 615.

University  
may take by  
will

CIVIL C. SEC. 1275. A testamentary disposition may be made to any person capable by law of taking the property so disposed of, except corporations other than those formed for scientific, literary, or solely educational or hospital purposes, cannot take under a will, unless expressly authorized by statute. [Am. March 20, 1903.]

The University is a public corporation "formed for scientific, literary, or solely educational purposes" and may take by will.

Estate of Royer, 123 Cal. 615.

See Pol. C. Sec. 1415, page 42.

## CHAPTER XI.

### HASTINGS COLLEGE OF THE LAW.

**An Act to create Hastings College of the Law, in the University of the State of California.**

[Approved March 26, 1878. Stats. 1877-8:533.]

Name

SECTION 1. That S. C. Hastings be authorized to found and establish a Law College, to be forever known and designated as "Hastings College of the Law." That the officers of said College shall be a Dean, Registrar, and

Officers

eight (8) Directors. That the Directors shall be Joseph P. Hoge, W. W. Cope, Delos Lake, Saml. M. Wilson, O. P. Evans, Thos. B. Bishop, John R. Sharpstein, and Thos. I. Bergin, of the Bar Association of the City of San Francisco, who shall, when vacancies occur, fill the same from members of said association or otherwise, and shall always provide for filling a vacancy with some heir or some representative of the said S. C. Hastings. That the Dean and Registrar shall be appointed by the Directors.

Directorate

SEC. 2. Said College shall affiliate with the University of the State upon such terms as shall be for the welfare of the College and University, and shall be the Law Department of the University.

Affiliation with  
University

SEC. 3. The faculty of the University shall grant diplomas to the students of the College, and the President shall sign and issue the diplomas.

Diplomas

SEC. 4. There shall be set apart for the use of the students of the College, some room or suitable hall at the University, and the Board of Supervisors of the City of San Francisco is authorized to supply a suitable hall in the City of San Francisco for the students and Directors.

Room

SEC. 5. The Dean of said College shall be ex officio of the Faculty of the University, to be designated as such by the Directors of the College.

Dean

SEC. 6. The diploma of the students shall entitle the student to whom it is issued to a license to practice in all Courts of this State, subject to right of the Chief Justice of the State to order an examination, as in ordinary cases of applicants without such diploma.

Licence to  
practice

Conditioned  
on endowment

SEC. 7. This Act is passed upon the condition that said S. C. Hastings shall pay into the State Treasury the sum of one hundred thousand dollars, and is never to be refunded, except as hereinafter provided.

Seven per cent.  
interest  
guaranteed

SEC. 8. The sum of seven per cent. per annum upon one hundred (\$100,000) thousand dollars is to be appropriated by the State and paid in two semi-annual payments to the Directors of the College.

Students

SEC. 9. The business of the College shall be to afford facilities for the acquisition of legal learning in all branches of the law, and to this end shall establish a curriculum of studies, and shall matriculate students who may reside at the University of the State as well as students residing in other parts of the State.

Professorships

SEC. 10. Professorships may be established in the name of any founder of such Professorships who shall pay to the Directors the sum of thirty (\$30,000) thousand dollars.

Duty of  
Directors

SEC. 11. All the business of the College shall be managed by the Directors without compensation, and all acting officers, including the Dean and Registrar, shall be appointed by the Directors and removed by them.

Law Library

SEC. 12. The Law Library Association of the City of San Francisco, shall grant to the students the use of their library upon such terms and conditions as they may agree with the Directors of the College.

Reversion to  
founder or  
his heirs

SEC. 13. The object of this Act being to grant a perpetual annuity for the support and maintenance of said College, should the State, or any government which shall succeed it, fail to pay the Directors of said College the sum of seven per cent. per annum, as above stipulated, or should the College cease to exist, then the State, or its successor, shall pay to the said S. C. Hastings, his heirs or legal representatives, the sum of one hundred (\$100,000)



thousand dollars, and all unexpended accumulated interest; *provided*, that such failure be not caused by mistake or accident, or omission of the Legislature to make the appropriation at any one session.

SEC. 14. That the Chief Justice of the Supreme Court of the State (or if there be no such judicial officer of the State or Government) shall be the President of the Board of Directors, five of whom shall be a quorum to transact all business.

Chief Justice  
to be President  
of Directors

Quorum

SEC. 15. This Act shall take effect and be in force from and after its passage.

Amendments to this Act were passed March 3, 1883, (Stats. 1883:26), and March 18, 1885 (Stats. 1885:203). The Act of 1883 assumed to transfer the control of the College to the Regents of the University and the Act of 1885 assumed to make another transfer by creating a Board of Trustees for the College, to consist of three, naming them and providing for the appointment of successors.

The Law College having affiliated with the University, had become an integral part thereof, subject to the same general provisions of the law as were applicable to the University. The Constitution of 1879 (Article IX, Section 9) declared that the University should be continued in the form and character prescribed in the Acts then in force, subject to legislative control for certain specified purposes only. Such being the case, it was not competent for the Legislature, by the Act of March 3, 1883, or that of March 18, 1885, or by any other Act, to change the form of the government of the University, or of any college thereof then existing. (See above, p. 67.)

People *vs.* Kewen, 69 Cal. 215.

For these reasons the subsequent Acts of 1883 and 1885 are not printed here.

Female students are entitled to admission in the Law College since its affiliation with the University.

Foltz *vs.* Hoge, 54 Cal. 28.

## CHAPTER XII.

## INCORPORATION.

**An Act to provide for the incorporation of such institutions of learning, science and art as may be established by the State.**

[Approved March 21, 1868. Stats. 1867-8:204.]

Requisites of  
certificate

SECTION 1. Whenever the Legislature shall provide by enactment for the creation of any State university, college, academy, or other State institution of learning, science or art, and shall, in and by such enactment, direct and provide for the creation of a corporation for such purposes, any three of the persons named or indicated in and by such enactment as Trustees or Directors of such corporation may unite in a certificate to the effect that they have associated themselves together for the purposes mentioned in and by such enactment, and to form a corporation for such purposes by the name and style designated in and by such enactment. The execution of such certificate shall be acknowledged before, and certified by, the Secretary of State or any Notary Public, and said certificate thereupon filed in the office of the Secretary of State; and thereupon the persons named therein, their associates and successors, shall become a corporation under the name and style designated in and by such enactment.

SEC. 2. Every such corporation, as such, shall have power:

Powers of  
corporation

*First*—To have succession by its corporate name for the period limited; and where no period is limited, perpetually.

*Second*—To sue and be sued in any Court.

*Third*—To make and use a common seal, and alter the same at pleasure.

*Fourth*—To hold, purchase and convey such real and personal estate as the purposes of the corporation shall require, not exceeding the amount limited by law.

*Fifth*—To make by-laws, not inconsistent with any existing law, for the management of its property and the regulation of its affairs.

SEC. 3. In addition to the powers enumerated in the preceding section, no such corporation shall possess or exercise any corporate powers except such as shall be necessary to the exercise of the powers so enumerated and given, and such further powers as may be enumerated and given in and by the enactment providing for the creation of the institution so incorporated; and any and all provisions of such enactment specially limiting the powers of such corporation shall be binding upon the same. Limitation

SEC. 4. This Act shall take effect from and after its passage.

This is the Act under which the Regents incorporated. It has been repealed by Section 288 of the Civil Code, but the repeal effected by that section related only to corporations formed after the Civil Code went into effect.

Estate of Eastman, 60 Cal. 309.

Murphy vs. Pac. Bank, 119 Cal. 334.

#### Code Section.

CIVIL C. 288. No corporation formed or existing before twelve o'clock noon, of the day upon which this code takes effect, is affected by the provisions of part fourth, of division first of this code, unless such corporation elects to continue its existence under it as provided in section 287; but the laws under which such corporations were formed and exist are applicable to all such corporations, and are repealed, subject to the provisions of this section. [En. March 21, 1872.] Repeal and exception

## CHAPTER XIII.

## LICK OBSERVATORY.

**An Act granting a site for an Observatory to the Trustees of the Lick Observatory of the Astronomical Department of the University of California.**

[Approved June 7, 1876. 19 U. S. Stats. at Large 57.]

Grant of Site  
by U. S.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, whereas, James Lick, of San Francisco, California, has, by deed of trust, given a large sum of money for the erection and equipment of an observatory, dedicating the same to the Astronomical Department of the University of California for scientific and educational purposes, and has selected Mount Hamilton, in the County of Santa Clara, the State of California, as the site for said observatory, and which is situate on the public lands of the United States, in township seven south, and range three east, Mount Diablo meridian, the following described land in said township is hereby reserved from sale or disposal under the general laws of the United States, to wit, section nine, the north half of section ten, and the south half of section three, and the fractional section seventeen.

SEC. 2. That so much of said land as is not already granted or disposed of by the United States, to wit, section nine, the north half of section ten, the south half of section three, and fractional section seventeen, be, and the same is hereby, granted to the Trustees of the Lick Observatory of the Astronomical Department of the University of California, with authority and in trust to convey the same to the Regents of the University of California and

their successors, in trust, for the use and benefit of the Astronomical Department of the University of California; *provided*, that if the land herein granted shall be used for any other purpose than the site of said observatory, and the necessary purposes in connection therewith, the same shall revert to the United States.

Reversion

**An Act to set apart a tract of land in the State of California for the use of the Lick Observatory of the astronomical department of the University of California.**

[Approved March 25, 1892. 27 U. S. Stats. at Large 11.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following described land in township numbered seven south and range three east, Mount Diablo meridian, is hereby reserved from sale or disposal under the general laws of the United States, to wit, the northwest quarter of section three, the east half of section four, the northwest quarter of section four, the northwest quarter of the southwest quarter of section four.

Additional  
grant of site  
by U. S.

SEC. 2. That in addition to any lands heretofore granted to the Lick Observatory of the astronomical department of the University of California, so much of said land as is not already granted or disposed of by the United States, to wit, the northwest quarter of section three, the east half of section four, the northwest quarter of section four, the northwest quarter of the southwest quarter of section four, be, and the same is hereby, granted to the regents of the University of California, and their successors, in trust, for the use and benefit of the astronomical department of the University of California: *Provided*, that if the land herein granted shall be used for any other purpose than the site of said observatory and the necessary purposes in connection therewith, the same shall revert to the United States.

Reversion

## CHAPTER XIV.

## MEDICAL DEPARTMENT.

**An Act concerning the Medical Department of the University of California.**

[Approved March 3, 1881. Stats 1881: 24.]

Ineffective  
change of name

SECTION 1. The Medical Department of the University of California shall hereafter be known and designated as the "Toland" Medical Department of the University of California, and all degrees, diplomas, scholarships, and records of the said department shall be made out, and all proceedings in connection therewith, shall be conducted in and by such name and designation.

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

This Act is unconstitutional according to the reasoning of the Supreme Court in

*People vs. Kewen*, 69 Cal. 215, involving legislation concerning the Hastings College of the Law subsequent to its affiliation and the adoption of Art. IX sec. 9 of the Constitution of 1879.

The Law Committee of the Regents has reported as follows:

The following question was referred to this committee: Is the legal title to the Medical Department of the University that designated in the Act of the Legislature of March 1, 1881, "Toland Medical Department of the University of California?" This department was established April 1, 1873. Before that the transfer of the Toland Medical College property had been delivered. On that day the Regents adopted the following resolutions: "*Resolved*, That a college is hereby created and organized which shall be known and designated as the Medical Department of the University of California;" and thereupon the professors (including Dr. H. H. Toland) of the Toland Medical College, were elected to and accepted "chairs in the Medical Department of the University." No

change in the name of the college has been made by the Regents. The donation to the Regents was unconditional, and did not designate the name of the department, and they had authority to establish and designate such name. On January 1, 1880, the new constitution went into effect. It included the following provisions: "Article IX, Section 9. The University of California shall constitute a public trust, and the organization and government shall be perpetually continued in form and character prescribed by the Organic Act creating the same, passed March 23, 1868 (and the several Acts amendatory thereof), subject only to such legislative control as may be necessary to insure compliance with the terms of its endowments and the proper investment and security of its funds." It will be seen that at the time of the passage of the Act of March 1, 1881, directing change of name, the legislative control was limited (so far as considered here) to such matters only "as may be necessary to insure compliance with the terms of its endowments" and securing its funds. The control of the college funds is not involved in the name of a college, and, as stated above, the endowment was unconditional and did not designate the name of the department. The Act is, therefore, void. Consequently we answer that the legal title of the Medical Department is not the "Toland Medical Department of the University of California," but is the "Medical Department of the University of California." [Report adopted, May 14, 1889.]

SECRETARY'S REPORT 1889: 50.

## CHAPTER XV.

### MILE LIMIT LIQUOR LAW.

PENAL CODE, SEC. 172. Every person who, within two miles of the land belonging to this State upon which any State Prison or reformatory is situated, or within one mile of the grounds belonging and adjacent to the University of California, or within one and one-half miles of the lands occupied by any home, retreat, or asylum, for disabled volunteer soldiers or sailors established or to be established by this State or by the United States within this State, or within the State Capitol, or within the limits of the grounds

Violation a  
misdemeanor

adjacent and belonging thereto, sells, gives away, or exposes for sale, any vinous or alcoholic liquors, is guilty of a misdemeanor.

This section, amended April 3, 1876, and March 16, 1901, supersedes the Act of December 23, 1873, Stats. 1873-4:12 which fixed the limit at two miles and provided a different penalty.

This law is constitutional.

The Legislature has power to pass such an Act under the general authority to provide for the promotion, regulation, and preservation of the morals, health, and prosperity and general well being of the People of the State.

Ex parte McClain, 61 Cal. 436.

## CHAPTER XVI.

### MILITARY SCIENCE AND DETAIL OF OFFICERS.

#### Provisions of the Political Code.

POL. C. SEC. 380. In addition to those prescribed by the Constitution the Governor has the power and must perform the duties prescribed in this and the following sections:

\* \* \* \* \*

14. He may issue arms and accoutrements for the use of colleges.

POL. C. SEC. 1473. The students of the University must be organized into a body known as the "University Cadets."

POL. C. SEC. 1474. The officers of Cadets, between and including the ranks of Second Lieutenant and Colonel, must be selected by the Chief Military Instructor, with the assent of the President of the University, and must be commissioned by the Governor.

Duties of the  
Governor

Governor may  
issue arms

University  
Cadets

Officers



POL. C. SEC. 1475. The Adjutant-General of the State must issue such arms, munitions, accouterments, and equipments to the University Cadets as the Board of Regents may require and the Governor approve.

Adjutant-General may issue arms, etc.

POL. C. SEC. 1476. Upon graduating or retiring from the University, such officers may resign their commissions or hold the same as retired officers of the University Cadets, liable to be called into service by the Governor in case of war, invasion, insurrection, or rebellion.

Officers may resign

POL. C. SEC. 1477. The military instructor must make quarterly reports to the Adjutant-General of the State, showing the number, discipline, and equipments of the Cadets.

Reports

Section 1473-1477 are based on an Act approved March 4, 1870, Statutes 1870-1:119, repealed by the inclusive terms of Sec. 18, Pol. C. The last section of that Act is given here for its historical interest: It is not the intent of this law to lessen, encroach upon, or retard the academic and scientific courses provided for in said University, but to secure a system of physical training, with habits of order and discipline, in aid of mental and moral advancement.

See also Organic Act, Section 6, page 20.

[Act of Feb. 27, 1877. 19 U. S. Stats. at Large 242.]

Any retired officer may, on his own application, be detailed to serve as professor in any college; but while so serving, such officer shall be allowed no additional compensation. \* \* \*

Retired officer may be detailed

**An Act to promote a knowledge of Steam-Engineering and Iron-ship Building among the students of scientific schools or colleges in the United States.**

[Approved February 26, 1879. 20 U. S. Stats. at Large, p. 322.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*  
That the purpose of promoting a knowledge of steam-

Detail for instruction in Steam Engineering

engineering and iron-ship building among the young men of the United States, the President may, upon the application of an established scientific school or college within the United States, detail an officer from the Engineer Corps of the Navy as professor in such school or college: *provided*, that the number of officers so detailed shall not at any time exceed twenty-five, and such detail shall be governed by rules to be prescribed from time to time by the President: *and provided further*, that such details may be withheld or withdrawn whenever, in the judgment of the President, the interests of the public service shall so require.

[Act of May 4, 1880, 21 U. S. Stats. at Large 113.]

Detail of retired  
army officer

That upon the application of any college, university or institution of learning incorporated under the laws of any State within the United States, having capacity at the same time to educate not less than one hundred and fifty male students, the President may detail an officer of the Army on the retired list to act as president, superintendent, or professor thereof; and such officer may receive from the institution to which he may be detailed the difference between his retired and full pay, and shall not receive any additional pay or allowance from the United States.

**An Act to amend section twelve hundred and twenty-five of the Revised Statutes, concerning details of officers of the army and navy to educational institutions, and so forth.**

[Approved September 26, 1888. 25 U. S. Stats. at Large 491.]

Officers may  
be detailed,  
on application

SECTION 1225. The President may, upon the application of any established military institute, seminary, or academy, college, or university, within the United States, having capacity to educate at the same time not less than one hundred and fifty male students, detail an officer of the army or navy to act as superintendent, or professor

thereof; but the number of officers so detailed shall not exceed fifty from the army, and ten from the navy, being a maximum of sixty, at any time, and they shall be apportioned throughout the United States, first, to those State institutions applying for such detail that are required to provide instruction in military tactics under the provisions of the Act of Congress of July second, eighteen hundred and sixty-two, donating lands for the establishment of colleges where the leading object shall be the practical instruction of the industrial classes in agriculture, and the mechanic arts, including military tactics; and after that, said details to be distributed, as nearly as may be practicable, according to population. The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores, belonging to the Government, and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college or university under the provisions of this section, and the Secretary shall require a bond in each case, in double the value of property, for the care and safe keeping thereof, and for the return of the same when required; *provided*, that nothing in this Act shall be so construed as to prevent the detail of officers of the Engineer Corps of the Navy as professors in scientific schools or colleges as now provided by Act of Congress approved February twenty-sixth, eighteen hundred and seventy-nine, entitled "An Act to promote a knowledge of steam-engineering and iron-ship building among the students of scientific schools or colleges in the United States;" and the Secretary of War is hereby authorized to issue ordnance and ordnance stores belonging to the Government on the terms and conditions hereinbefore provided to any college or university at which a retired officer of the army may be assigned as provided by section twelve hundred and sixty of the Revised Statutes.

Number of  
officers

Certain colleges  
preferred

Ordnance and  
stores may  
be issued

Bond required

SEC. 2. That the said section twelve hundred and twenty-five of the Revised Statutes of the United States, as amended by the said Act of Congress approved July fifth, eighteen hundred and eighty-four, and all Acts and parts of Acts inconsistent or in conflict with the provisions of this Act, be and the same are hereby repealed, saving always, however, all acts and things done under the said amended section as heretofore existing.

The regulations, in regard to the detail of officers of the army at established colleges and universities within the United States, are prescribed by the President, under the above law, and are contained in a pamphlet issued by the Secretary of War. They are omitted here on account of their length and technical character.

**An Act to amend section twelve hundred and twenty-five of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions.**

[Approved January 13, 1891. 26 U. S. Stats. at Large 716.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section twelve hundred and twenty-five of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, be, and the same is hereby, amended so as to permit the President to detail, under the provisions of said Act, not to exceed seventy-five officers of the Army of the United States; and the maximum number of officers of the Army and Navy to be detailed at any one time under the provisions of the Act passed September twenty-sixth, eighteen hundred and eighty-eight, amending said section twelve hundred and twenty-five of the Revised Statutes, is hereby increased to eighty-five: *Provided*, That no officer shall be detailed to or maintained at any of the educational institutions mentioned in said Act where instruction and drill in military tactics is not given; *provided further*, that nothing in this Act shall be so construed as to prevent the detail of

Number of  
officers  
increased

officers of the Engineer Corps of the Navy as professors in scientific schools or colleges as now provided by Act of Congress approved February twenty-sixth, eighteen hundred and seventy-nine, entitled "An Act to promote a knowledge of steam-engineering and iron-ship building among the students of scientific schools or colleges in the United States."

**An Act to increase the number of officers of the Army to be detailed to colleges.**

[Approved November 3, 1893. 28 U. S. Stats. at Large 7.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section twelve hundred and twenty-five of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, be, and the same is hereby, amended so as to permit the President to detail under the provisions of said Act not to exceed one hundred officers of the Army of the United States; and no officer shall be thus detailed who has not had five years' service in the Army and no detail to such duty shall extend for more than four years and officers on the retired list of the Army may upon their own application be detailed to such duty and when so detailed shall receive the full pay of their rank; and the maximum number of officers of the Army and Navy to be detailed at any one time under the provisions of the Act approved January thirteenth, eighteen hundred and ninety-one, amending section twelve hundred and twenty-five of the Revised Statutes as amended by an Act approved September twenty-sixth, eighteen hundred and eighty-eight, is hereby increased to one hundred and ten.

Number again increased

Detail not to exceed four years' time

[Act of August 6, 1884. 28 U. S. Stats. at Large 235.]

\* \* That nothing in the Act entitled "An Act to increase the number of officers of the Army to be detailed to colleges," approved November third, eighteen hundred and

No restriction on number of retired officers of army,

ninety-three, shall be so constructed as to prevent, limit, or restrict the detail of retired officers of the Army at institutions of learning under the provisions of section twelve hundred and sixty, Revised Statutes, and the Act making appropriations for the support of the Army, and so forth, approved May fourth, eighteen hundred and eighty, nor to forbid the issue of ordinance and ordinance stores, as provided in the Act approved September twenty-sixth, eighteen hundred and eighty-eight, amending section twelve hundred and twenty-five, Revised Statutes, to the institutions at which retired officers may be so detailed; and said Act of November third, eighteen hundred and ninety-three, and said Act of May fourth, eighteen hundred and eighty, shall not be construed to allow the full pay of their rank to retired officers detailed under said section twelve hundred and sixty, Revised Statutes, and said Act of May fourth, eighteen hundred and eighty.

**An Act to amend section twelve hundred and twenty-five of Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in Military instruction in Schools.**

[Act of Feb. 26, 1901. 31 U. S. Stats. at Large 810.]

Whereas The national defense must depend upon the volunteer service of the people of the several States; and

Whereas Those schools which shall adopt a system of military instruction are entitled to the assistance of the Government in order to secure to the United States such a knowledge of military affairs among the youth of the country as will render them efficient as volunteers if called upon for the national defense: therefore,

*Be it enacted, etc.,* That section twelve hundred and twenty-five of the Revised Statutes, concerning the detail of officers of the Army and Navy to educational institutions be, and the same is hereby, amended so as to permit the President to detail under the provisions of that Act, and

in addition to the detail of the officers of the Army and Navy now authorized to be detailed under the existing provisions of said Act, such retired officers of the Army and Navy of the United States as in his judgment may be required for that purpose, to act as instructors in military drill and tactics in schools in the United States, where such instruction shall have been authorized by the educational authorities thereof, and where the services of such instructors shall have been applied for by said authorities.

SEC. 2. That no detail shall be made under this Act to any school unless it shall pay the cost of commutation of quarters of the retired officers detailed thereto and the extra-duty pay to which the latter may be entitled by law to receive for the performance of special duty; *provided*, That no detail shall be made under the provisions of this Act, unless the officers to be detailed are willing to accept such position without compensation from the Government other than their retired pay.

or navy

Cost of  
commutation  
and extra-duty  
pay to be upon  
college

SEC. 3. That the Secretary of War is authorized to issue at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, upon the approval of the governors of the respective States, such number of the same as may be required for military instruction and practice by such school, and the Secretary shall require a bond in each case, for double the value of the property, for the care and safe-keeping thereof, and for the return of same when required.

Further  
issuance of  
ordnance and  
stores

[Act of March 2, 1895. 28 U. S. Stats. at Large 826.]

\* \* \* Any retired officer of the Navy or Marine Corps may, on his own application, be detailed to service as a teacher or professor in any school or college, but while so serving such officer shall be allowed no additional compensation.

Detail of  
retired Officers  
of Navy and  
Marine Corps

## CHAPTER XVII.

## MISCELLANEOUS STATUTES TABULATED.

THE FOLLOWING ACTS AND RESOLUTIONS OF THE LEGISLATURE OF CALIFORNIA AFFECTING THE UNIVERSITY AT THE TIME OF THEIR PASSAGE HAVE NOW CHIEFLY AN HISTORICAL INTEREST, AND ARE NOT HERE PRESENTED IN FULL.

SUBJECT.	DATE.	CITATION.	REMARKS.
An Act to provide for the incorporation of colleges .....	April 20, 1850	Statutes 1850: 273	Under this Act the College of California was incorporated.
Amended .....	April 13, 1855	Statutes 1855: 110	
Supplemented .....	April 27, 1863	Statutes 1863: 775	
Amended .....	February 21, 1868	Statutes 1867-8: 69	
Amended .....	March 20, 1868	Statutes 1867-8: 218	
Amended .....	March 28, 1870	Statutes 1869-70: 419	
Supplemented .....	January 8, 1872	Statutes 1871-2: 10	
Amended as supplemented .....	February 7, 1874	Statutes 1873-4: 85	
Amended and codified .....	March 14, 1885	Statutes 1885: 132. C. C. §§ 649, 650, 651.	
Assembly Concurrent Resolution No. XXXI., appointing commissioners to report on the feasibility of establishing a University .....	April 22, 1863	Statutes 1863: 793	



<p>An Act to establish an Agricultural, Mining and Mechanical Arts College</p>	<p>March 31, 1866</p>	<p>Statutes 1865-6: 504</p>	<p>Repealed by Organic Act, Statutes 1867-8: 248.</p>
<p>Assembly Concurrent Resolution No. V., requesting Senators and Representatives to seek the passage of an Act allowing the selection of land for benefit of Agricultural College to be selected from even-numbered sections within railroad reservation.</p>	<p>February 26, 1868</p>	<p>Statutes 1867-8: 732</p>	
<p>An Act requiring the Controller of State to transfer certain funds.....</p>	<p>March 26, 1868</p>	<p>Statutes 1867-8: 357</p>	<p>\$35,100, State 7% bonds credited to Seminary Funds to State University Fund and \$44,064 from School Fund to University Fund, and all funds in Public Building Fund to University Fund.</p>
<p>An Act relating to Brayton property in Oakland.....</p>	<p>February 1, 1872</p>	<p>Statutes 1871-2: 48</p>	<p>Permitting loan to be renewed and property sold when not needed.</p>

## ACTS OF THE LEGISLATURE OF CALIFORNIA, ETC.—Continued.

SUBJECT.	DATE.	CITATION.	REMARKS.
An Act authorizing the State Treasurer to dispose of \$65,000 U. S. 5-20 bonds held in trust for University Fund, and purchase State bonds of bonded debt of 1873.....	December 22, 1873	Statutes 1873-4: 6	Not to be sold for less than par with interest due.
An Act to confer further powers on Board of Regents.....	March 30, 1878	Statutes 1877-8: 834	Authorizes Regents to waive stipulations of forfeiture in contract with Florence Crowley for erection of Mechanics' Art College and reappropriates amount lapsed.
An Act authorizing the State Board of Examiners to allow certain claims against the State .....	April 1, 1878	Statutes 1877-8: 1018	Allows not to exceed \$6617 to be paid to Denis Jordan who built College of Agriculture, for losses sustained from being paid therefor in Scrip, etc.
An Act to encourage the planting of jute .....	April 9, 1880	Statutes 1880: 27	Authorizes President of Agricultural College to plant not more than five acres in jute, and provides for cost.
An Act authorizing and empowering Regents to convey certain lands.....	March 9, 1883	Statutes 1883: 62	Provides for reconveyance to Henry D. Cogswell of lands in San Francisco before given in trust by him for a Dental College. See page 43.

<p>Assembly Concurrent Resolution No. X., relative to the establishment of Experiment Stations in connection with Agricultural College .....</p>	<p>April 15, 1884</p>	<p>Statutes 1884: 7</p>	
<p>An Act to advance learning, etc., for the creation of trusts for the founding, endowment, etc., of universities, colleges, schools, etc. ....</p>	<p>March 9, 1885</p>	<p>Statutes 1885: 49</p>	
<p>An Act to provide for the payment on the outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund; to repeal an Act of the Legislature of the State of California, approved March 4, 1881, entitled "An Act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes," and making an appropriation to pay the interest on said outstanding bonds, from January 1 to July 1, 1893 .....</p>	<p>March 3, 1893 March 11, 1899</p>	<p>Statutes 1893: 75 Statutes 1899: 93</p>	
<p>Amended .....</p>			

THE FOLLOWING STATUTES OF GENERAL INCLUSIVENESS HAVE VARIOUSLY BEEN HELD TO APPLY TO THE UNIVERSITY OF CALIFORNIA OR NOT, AND NO FINAL ADJUDICATION OF THE MATTER HAS BEEN HAD. THE DOUBT ARISES FROM THE PROVISIONS OF ARTICLE IX., § 9, OF THE CONSTITUTION OF CALIFORNIA, WHICH PROVIDES THAT THE ORGANIZATION AND GOVERNMENT OF THE UNIVERSITY SHALL BE PERPETUALLY CONTINUED IN THE FORM AND CHARACTER PRESCRIBED IN THE ORGANIC ACT (SEE PAGE 66).

TITLE OF ACT.	DATE.	CITATION.	REMARKS.
Political Code.....		Section 996	Relates to vacancies in office.
An Act to regulate the erection of public buildings and structures.....	April 1, 1872	Statutes 1871-2: 925	Probably made inapplicable to University by §25, Organic Act as Amd. (See page 47.) Prior to that time it was observed upon the advice of the Attorney-General. (Secretary's Report, 1896: 78.)
An Act to regulate contracts on behalf of the State, in relation to erections and buildings..... Amended.....	March 23, 1876 March 27, 1895	Statutes 1875-6: 427 Statutes 1895: 237	Probably made inapplicable to University by §25, Organic Act. (See page 47.)

<p>An Act to provide for preference in the appointment and employment, etc., in the public service, of Veterans of the War of the Rebellion.....</p>	<p>March 31, 1891</p>	<p>Statutes 1891: 289</p>	
<p>An Act fixing the minimum rate of compensation for labor on public work.....</p>	<p>March 9, 1897</p>	<p>Statutes 1897: 90</p>	
<p>An Act to secure the claims of materialmen, etc., employed on public work.....</p>	<p>March 27, 1897</p>	<p>Statutes 1897: 201</p>	
<p>An Act limiting the hours of service of laborers, etc., on public work.....</p>	<p>March 10, 1903</p>	<p>Statutes 1903: 119</p>	<p>This Statute gives effect to Art. XX., §17, Constitution, as amended Nov. 4, 1902.</p>

## CHAPTER XVIII.

## OFFICES AND OFFICERS.

## Code Sections.

Reports of  
officers, etc.,

POL. C. SEC. 332. All Officers, Boards of Officers, Commissioners, Trustees, Regents, and Directors, required by law to make reports to the Governor or Legislature, except the Controller of State, must send the original draft of such reports to the Governor before the fifteenth day of September, in the year eighteen hundred and ninety-two, and in every second year thereafter. The Controller of State must send his report to the Governor before the fifteenth day of December in eighteen hundred and ninety-two, and in every second year thereafter.

See Pol. C. Sec. 1432, Subd. 17, page 39.

to be printed

POL. C. SEC. 333. The Governor shall, upon receipt of such reports, submit the same to the State Board of Examiners, who shall order such a number of said reports, or part or parts of each report, printed, as in their judgment will meet the requirements of law; *provided*, that in no instance shall a less number of copies be printed than is necessary to furnish at least ten copies of each report to all Officers, Boards of Officers, Commissioners, Trustees, Regents, and Directors required by law to make reports to the Governor or Legislature.

by the State  
Printer

POL. C. SEC. 334. The Superintendent of State Printing must print such reports, or such parts or reports of said reports, as may be ordered by the State Board of Examiners, in the number to be designated by said board, before the first Monday in December next after receipt thereof except the report of the State Controller, which

shall be printed before the fifteenth day of January after the receipt thereof, and distribute the same in accordance with the directions of the Board of Examiners.

See Chap. XXI, page 134.

POL. C. SEC. 343. The number and designation of the civil executive officers are as follows: \* \* \* twenty-two Regents of the University of California.

Regents not officers

This section was abrogated by Sec. 9 Art. IX of the Constitution. *Lundy vs. Delmas*, 104 Cal. 655.

POL. C. SEC. 380. In addition to those prescribed by the Constitution, the Governor has the power and must perform the duties prescribed in this and the following sections \* \* \*. He may require any officer or Board to make special reports to him, upon demand in writing, \* \* \*.

Governor may require special reports

POL. C. SEC. 472, Sub. 2. The Attorney-General shall have charge, as attorney of all legal matters in which the State is in anywise interested, except the business of the Regents of the University of California and of the State Harbor Commissioners, \* \* \*

Regents may have attorney

POL. C. SEC. 707. Those [the powers and duties] of the Regents of the University of California [are as prescribed] in chapter I, of title III, of part III. [En. March 12, 1872.]

See page 153.

POL. C. SEC. 2295. It is the duty of the librarian: \* \* \*

8. To distribute to the State University, to the Leland Stanford Jr. University, to each incorporated college in the State, to each public library therein, and to such other literary and scientific institutions therein as his judgment may dictate, one copy each of all official State publications, including the laws, journals and appendices of the Legis-

State publications to University Library

lature and to establish and maintain with similar public institutions of the General Government, the other States, and foreign countries, a system of exchange of such State publications for like official publications and other valuable works. The State librarian is empowered to make requisition upon the Secretary of State for a sufficient number of such State publications, to enable him to carry out the requirements of this subdivision.

**An Act to amend an Act entitled "An Act to require an inventory of the State and County property, and directing that a record of the same be kept," approved February 9, 1897.**

[Became a law under constitutional provision without Governor's approval, March 5, 1901. Stats. 1901:93.]

Section one of an Act entitled "An Act to require an inventory of the State and County property, and directing that a record of the same be kept," approved February ninth, one thousand, eight hundred and ninety-seven, be and the same is hereby amended so as to read as follows:

SECTION 1. It shall be the duty of all State officers, boards, and commissions of every kind having in charge property belonging to the State to make an inventory thereof within ninety days from and after the passage of this Act, and also on or before the thirty-first day of December, one thousand eight hundred and ninety-eight, and annually thereafter, of all property purchased with State money and in their keeping. The report of said inventory shall, under oath, be made to the State Board of Examiners, and said inventory shall be recorded by said Board of Examiners, in a book prepared for that purpose. Any State officer or clerk or member of any board or commission of any kind having in charge property belonging to the State who fails to make the inventory herein provided for within the time limited, shall, upon conviction thereof, be adjudged guilty of a misdemeanor.



SEC. 2. It shall be the duty of all County officers, including supervisors, superintendents of poor farms, hospitals, orphanages or almshouses to make, on or before the first day of July, one thousand eight hundred and ninety-seven, also on or before the thirty-first day of December, one thousand eight hundred and ninety-eight, and annually thereafter, an inventory, showing in detail all county property in their possession or under their charge. In case of county officers and employees, said inventory shall show the source from which said property was derived, and if possible the cost of each item. Each officer referred to in this section shall under oath file his respective inventory with the county clerk at the times and dates mentioned in this section, and all said inventories shall be kept of record by the county clerk. Any person whose duty it is under this section to make and file the inventory herein provided for, or shall fail to perform said duty as required hereby within the time limited herein, shall upon conviction thereof be adjudged guilty of a misdemeanor.

and by County  
Officers

SEC. 3. The outgoing officers, boards, commissions and employees mentioned in sections one and two of this Act shall deliver to their successor in office an inventory of all State or county property in their possession, and the incoming officer shall receipt for the same. Any person omitting to comply with the provisions of this section shall be adjudged guilty of a misdemeanor.

and given  
to their  
successors

SEC. 4. This Act shall take effect immediately.

The Amendment was in adding the penal clause to each section.

The Law Committee and Counsel of the Regents reported in 1897 (SECRETARY'S REPORT 1897:107) that this Act applied to the Board of Regents.

## CHAPTER XIX.

## POULTRY.

**An Act to establish a Poultry Experiment Station in the County of Sonoma, and making an appropriation therefor.**

[Approved March 13, 1903. Stats. 1903:143.]

SECTION 1. There is hereby established in the County of Sonoma, at or near the City of Petaluma, a Poultry Experiment Station, to be known as the "California Poultry Experiment Station."

## Purpose

SEC. 2. The purpose of said station shall be the study of the diseases of poultry to ascertain the causes of such diseases, and to recommend treatment for the prevention and cure of the same; to ascertain the relative value of poultry foods for the production of flesh, fat, eggs, and feathers; to recommend methods of sanitation, and to conduct investigations for the purpose of securing results conducive to the promotion of the poultry interests of the State. This Act shall be liberally construed to the end that the station hereby established may at all times contribute to the technical and general knowledge of the public upon the subject of poultry husbandry.

## Supervision

SEC. 3. The said station shall be under the supervision of the director of the Agricultural Experiment Stations of the State of California, who shall, from time to time, cause to be issued bulletins of information regarding the care of poultry.

## Bulletins

SEC. 4. Within thirty days after the passage of this Act the Governor shall appoint three persons, two of whom shall be from the staff of professors in the Agricultural Department of the University of California, and one a practical poultry raiser, which said persons shall constitute a board or commission to select and secure a site of not less than five acres for such poultry experiment station. Such board shall have full power to secure such site, by lease, purchase, or donation thereof, and shall proceed to the performance of the duties herein imposed within thirty days after receiving notice of their appointment.

Selection of  
site

SEC. 5. All moneys appropriated for the use of the station hereby established shall be under the control of the Regents of the University of California.

Regents  
to control  
appropriations

SEC. 6. The sum of five thousand dollars is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for securing the necessary site, and for equipping and maintaining said California Poultry Experiment Station as provided by this Act. Of the amount herein appropriated, the sum of two thousand five hundred dollars shall be available during the fiscal year nineteen hundred three and nineteen hundred four, and two thousand five hundred dollars shall be available during the fiscal year nineteen hundred four and nineteen hundred five.

Appropriation

SEC. 7. The State Controller is hereby authorized to draw his warrants for the sum herein appropriated in favor of the Treasurer of the Regents of the University of California, and the State Treasurer is hereby directed to pay the same.

SEC. 8. This Act shall take effect immediately.

## CHAPTER XX.

**PREPARATORY DEPARTMENT.**

**An Act to authorize the Regents of the University of California to establish a Preparatory Department.**

[Approved January 6, 1870. Stats. 1869-70:4.]

Preparatory  
Department  
authorized

SECTION 1. The Regents of the University of California are authorized and empowered to organize and establish a Preparatory Department, for the purpose of preparing young men to enter the University, under such rules and regulations as said Regents shall from time to time provide, and for that purpose they are authorized to employ such teachers, and to secure such buildings, by purchase or otherwise, as shall be necessary therefor.

SEC. 2. This Act shall take effect immediately.

## CHAPTER XXI.

**PRINTING.**

Fund

POL. C. 540. SUBDIVISION 1. There is hereby created a fund to be known as the State Printing Fund of the State Treasury.

SUBDIVISION 2. The State Printing Fund shall consist of all moneys appropriated by the Legislature for the support of the State Printing Office, and all moneys received into the State Treasury from any source whatever in payment of all printing, ruling, and binding done in the State Printing Office. From it all expenses for the support of the State Printing Office shall be paid.

Work to be  
done by State  
Printer,

SUBDIVISION 3. The reports of all State officers, boards of officers, commissions, trustees, regents, and directors, required or authorized by law to make reports, or to pub-

lish any circulars, bulletins, and to obtain any printed books, stationery, or printed matter of any kind, must be printed, ruled, and bound at the State Printing Office, at the expense of their respective funds or appropriations, after being first authorized in each instance by the State Board of Examiners.

SUBDIVISION 4. The Superintendent of State Printing, subject to the approval of the Board of Examiners, shall determine the charge to be made for all printing, ruling, and binding, and shall fix a price from time to time that will cover all costs of material and doing the work, not taking into consideration the cost of the plant of the State Printing Office. He shall render bills for each item of printing, ruling, and binding, or other charge against the respective officer or institution ordering the same, which bills shall be audited by the State Board of Examiners and paid out of the appropriation or fund of the said officer or institution chargeable with the same, on warrants drawn by the State Controller.

who shall fix charge

SUBDIVISION 5. The Controller and Treasurer are hereby authorized and directed to transfer from the General Fund to the State Printing Fund any and all moneys appropriated from time to time by the Legislature for the support of the State Printing Office.

SUBDIVISION 6. The Superintendent of State Printing shall render monthly reports to the State Controller of all moneys received under the provisions of this section, and shall pay same into the State Treasury to the credit of the State Printing Fund.

Reports

SUBDIVISION 7. The Board of Examiners may at any time order the Controller to transfer money from the sum allowed to any officer, board, or other body mentioned in subdivision three of this section, for printing and other work at the State Printing Office, to the credit of any other

such officer, board, or other body that may need the same, and whose allowance for that purpose has been exhausted.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after July first, eighteen hundred and ninety-nine. [En. March 6, 1899.]

## CHAPTER XXII.

### PROPERTY AND BUILDINGS.

**An Act relative to the non-insurance of property belonging to the State against risk of damage or destruction by fire.**

[Approved March 10, 1891. Stats. 1891:70.]

State property  
not to be  
insured,

SECTION 1. No property belonging to this State shall hereafter be insured against risk of damage or destruction by fire, and no policy of fire insurance now existing upon any property belonging to this State shall be renewed at the expiration thereof, except the State Printing Office and its contents.

SEC. 2. This Act shall take effect immediately.

**An Act to authorize the insurance of all property of the University of California held for purposes of income against damages or loss.**

[Approved March 20, 1899. Stats. 1899:152.]

except that  
held by  
University  
for income

SECTION 1. All property of the University of California held in fee or otherwise for purposes of income may be insured against damage or loss.

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

## Code Section.

POL. C. 3898A. Whenever the State has or shall become the owner of any property sold for taxes and the deed to the State has been filed with the Controller, upon which property there appears of record a mortgage to the Regents of the University of California, and such mortgage and the debt secured thereby have not been both paid in full and satisfied of record, the Controller, upon receiving proof, by affidavit of the President and Secretary, or Acting Secretary, or of the Treasurer of said Regents, that the debt secured by said mortgage has not been fully paid, shall direct the tax collector of the county, or city and county, in which such lands are situated, to execute a deed of such lands in the name of the State of California to the Regents of the University of California. Said tax collector shall thereupon publish a notice once a week for at least three successive weeks in some newspaper published in the county or city and county in which such lands are situated, or if there be no newspaper published therein, then said tax collector shall post a notice in three conspicuous places in said county, or city and county, at least three weeks before the day to be named in said notice as hereinafter provided. Said notice must state that on or after a day therein mentioned (which day shall be not less than four weeks and not more than eight weeks after the first publication or posting of said notice,) said tax collector will execute and deliver to the Regents of the University of California a deed to the property, and shall describe said property and shall state that said deed will be made because of a sale of said property to the State for delinquent taxes, and because the Regents of the University of California is interested in the said property. No other matters need be contained in said notice. One or more pieces of land may be described in the affidavit, notice,

Property sold  
for taxes  
on which  
University  
holds a  
mortgage,

after notice,

unless  
redeemed,

deed and report herein provided for. Unless prior to the day so to be mentioned in such notice, there shall be paid to the said tax collector the full amount for which said property was sold to the State, together with all interest and penalties thereon and all expenses and costs connected therewith, and all subsequent State and county taxes not theretofore paid in full, and all interest and penalties thereon and all costs and expenses connected therewith, and also the expense of publishing or posting said notice, as the case may be, then said tax collector shall on said day, or within ten days thereafter, execute, acknowledge and deliver such deed to said Regents without any payment, charge or fee therefor, and shall within five days thereafter report in writing to the Controller the fact of the execution of such deed. In the event said notice shall describe two or more pieces of land assessed separately and sold separately to the State, then if all the payments above provided for be made within the time aforesaid in respect to any one of said pieces so separately assessed and sold, (including the entire cost of publishing or posting said notice, as the case may be), such pieces so paid upon shall not be included in the deed herein provided for, and the fact of such payment and amount paid shall be stated in the said report to the Controller. Such deed shall transfer, grant, convey and confirm to the Regents of the University of California the entire title to such lands, free and clear of all claims and incumbrances whatsoever; but nothing herein contained shall be held to interfere with the right of said Regents to enforce said mortgage or the payment of the debt secured thereby, or to procure a decree of foreclosure and a sale under such decree of all or any of the property described in such mortgage. Said deed shall recite the facts in this section provided as authorizing its execution and shall be prima facie evidence thereof and of all matters therein recited and of the ownership of said lands by said Regents. Said deed may be recorded in the

shall be  
deeded to  
Regents,

but such deed  
shall not  
prevent  
foreclosure



office of the County Recorder of the county or city and county in which any such lands are situated; and upon the expiration of two years after it has been so recorded, shall, (except as against parties deriving title through a sale and purchase under a decree of foreclosure of such mortgage), be conclusive evidence that the complete fee simple title to the property therein described vested at the date of said deed in the Regents of the University of California, free and clear of all claims, liens, charges, and incumbrances whatsoever; *provided, however*, that in any action which may be commenced against said Regents before the expiration of said two years to question the title of said Regents to said property, said deed shall be prima facie evidence only. The expense of the publication and posting herein provided for shall be paid by the Regents of the University of California, unless such expense should be paid to said tax collector prior to the day mentioned in said notice, as hereinabove permitted. While any mortgage to said Regents appears of record and not satisfied of record, no sale of any lands therein described shall be made under the provisions of Section 3897 of this Code. Any moneys which may be paid under the provisions of this section shall be distributed as provided in Section 3898 of this Code. [En. March 16, 1903.]

Deed recorded,  
after two  
years, shall be  
conclusive  
evidence of title

Expense paid  
by Regents

CHAPTER XXIII.  
PUBLIC LAND ACTS AFFECTING THE UNIVERSITY OF CALIFORNIA.  
I.  
Acts of Congress.

TITLE.	DATE.	CITATION.	REMARKS.
An Act to provide for the survey of the public lands in California, the granting of preëmption rights therein and for other purposes .....	March 3, 1853	10 U. S. Statutes at Large: 244	Section 12 of this Act grants two entire townships or 72 sections for the use of a seminary of learning. This Act also provided the Public Building Fund, afterward transferred to University. (See Miscellaneous Chart, page 123.)
An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts .....	July 2, 1862	12 U. S. Statutes at Large: 503	30,000 acres for each Senator and Representative, according to apportionment of 1860. Excludes mineral lands. The University is organized in compliance with the requirements of this Act. (See page 75.)
An Act amendatory of the above Act of 1862.....	July 23, 1866	14 U. S. Statutes at Large: 208	Section 5 of the Act of 1862 is amended, extending the time within which its acceptance may be made.

<p>An Act to provide further for giving effect to the various grants of public lands, etc.....</p>	<p>June 8, 1868</p>	<p>15 U. S. Statutes at Large: 68</p>	<p>Section 4 grants to California the right of selection of lands under the Act of 1862, with certain limitations.</p>
<p>An Act amendatory of the above Act of 1868.....</p>	<p>March 3, 1871</p>	<p>16 U. S. Statutes at Large: 581</p>	<p>Further amending section 4 of Act of 1868.</p>
<p>An Act amendatory of the above Act of 1862.....</p>	<p>March 3, 1883</p>	<p>22 U. S. Statutes at Large: 484</p>	<p>Amending section 4 of Act of 1862, with reference to investment of moneys received by States from sale of land.</p>
<p>An Act to withdraw certain lands from private entry and for other purposes</p>	<p>March 2, 1889</p>	<p>25 U. S. Statutes at Large: 854</p>	<p>Abolishing private entry of public lands of the U. S., except in the State of Missouri, etc.</p>
<p>An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the Act of July 2, 1862</p>	<p>August 30, 1890</p>	<p>26 U. S. Statutes at Large: 417</p>	<p>California assented to this Act by Act of March 31, 1891. Statutes of Cal. 1891: 458.  (See page 86.)</p>

II.  
Acts and Resolutions of Legislature.

TITLE.	DATE.	CITATION.	REMARKS.
An Act to provide for the issuance of patents to lands located with State School land warrants, and for lands purchased under the Act of April 23, 1858 .....	April 16, 1859	Statutes of Cal. 1859: 338	Repealed, Statutes of Cal. 1867-8: 529.
An Act to provide for the management and sale of lands belonging to the State.....	March 28, 1868	Statutes of Cal. 1867-8: 507	Repeals all former land Acts. Sections 51, 57, 60 concern the lands donated to the State for University purposes. Repealed by § 18, Pol. C. Codified Pol. C. §§ 3533, 4, 5, 6. See <i>White vs. Douglas</i> , 71 Cal. 115. (See page 146.)
An Act concerning the selection and sale of University lands.....	March 13, 1874	Statutes Cal. 1873-4: 356	Amended, Statutes 1880: 36. Referred to in <i>White v. Douglas</i> , 71 Cal. 115.

<p>An Act amendatory of the above Act.</p>	<p>April 9, 1880</p>	<p>Statutes of Cal. 1880: 36</p>	<p>Amends by changing District Court to Superior Court where it occurs in the Act. Referred to in <i>Cushing vs. Keslar</i>, 68 Cal. 473.</p>
<p>An Act to authorize the Governor to reconvey certain lands included in the grant by Congress of 150,000 acres for an Agricultural College in 1862.....</p>	<p>March 13, 1883</p>	<p>Statutes of Cal. 1883: 287</p>	<p>To enable other selections to be made.</p>
<p>An Act to grant to the Regents N. <math>\frac{1}{2}</math> of Sec. 16, Township 7 South, Range 3 East, M. D. M.</p>	<p>March 16, 1889</p>	<p>Statutes of Cal. 1889: 229</p>	<p>A piece of land on the slope of Mt. Hamilton.</p>
<p>An Act assenting to Act of Congress, approved Aug. 30, 1890, entitled an Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of colleges established under the provisions of the Act of July 2, 1862.....</p>	<p>March 31, 1891</p>	<p>Statutes of Cal. 1891: 458</p>	<p>(See page 90.)</p>

## ACTS AND RESOLUTIONS OF LEGISLATURE.—Continued.

TITLE.	DATE.	CITATION.	REMARKS.
Assembly Concurrent Resolution No. 2 .. .. .	December 12, 1863	Statutes Cal. 1863-4: 541	Appointing a Commissioner to ascertain action necessary to secure U. S. land grant under Act of 1862.
Senate Concurrent Resolution No. ..12	March 31, 1864	Statutes Cal. 1863-4: 559	Accepting benefits of Acts of Congress of July 2, 1862, donating land for Colleges.
Resolution No. 5.....	February 26, 1868	Statutes Cal. 1867-8: 732	Requesting that Congress authorize selection of lands within railroad reservation.
Assembly Joint Resolution No. 21 .....	March 30, 1868	Statutes Cal. 1867-8: 742	Requesting that Congress shall permit investment of the proceeds of 15,000 acre donation in unencumbered productive real estate.

<p>Senate Joint Resolution No. 1.....</p>	<p>February 1, 1883</p>	<p>Statutes of Cal. 1883: 386</p>	<p>Requesting that Congress shall permit investment by the Regents of the proceeds of 15,000 acre donation in the safest and best manner.</p>
<p>An Act to provide for the location and sale of the unsold portion of the 500,000 acres of land donated to this State for school purposes and the 72 sections donated to this State for the use of a seminary of learning....</p>	<p>April 23, 1858</p>	<p>Statutes of Cal. 1858: 248.</p>	<p>Repealed. Statutes of Cal. 1867: 529</p>
<p>An Act to provide for the sale of the 16th and 36th sections of land donated to this State for school purposes by Act of Congress, passed March 3, 1853.....</p>	<p>April 26, 1858</p>	<p>Statutes of Cal. 1858: 318.</p>	<p>Repealed. Statutes of Cal. 1867: 528</p>
<p>An Act to provide for the sale of certain lands belonging to the State.....</p>	<p>April 27, 1863</p>	<p>Statutes of Cal. 1863: 592</p>	<p>Fixes rate at \$1.25 per acre and terms of payment, etc. Repealed. Stats. Cal. 1867-8: 530.</p>
<p>An Act to provide for the selection of lands donated to the State, etc., for the endowment of colleges, etc.....</p>	<p>April 2, 1866</p>	<p>Statutes Cal. 1865-6: 674</p>	<p>Repealed. Statutes of Cal. 1867-8: 530.</p>

## Code Sections.

Regents may  
order the  
selection and  
sale of lands

POL. C. SEC. 3533. The Regents of the University may order the selection of the one hundred and fifty thousand acres of land granted to the State for the use of an Agriculture College, and dispose of the same at the price and in the manner fixed by them.

Land Agent

POL. C. SEC. 3534. The Land Agent of the University, as the agent of the State, must select the lands according to the instructions of the Board, and issue certificates of purchase and patents to purchasers who comply with the conditions fixed by the Board; and the Regents must invest all moneys accruing from the sale of lands as they may deem best, subject to the conditions of the Act of Congress granting such lands.

Investment of  
proceeds

POL. C. SEC. 3535. All moneys, securities, or other properties arising from the sale of the seventy-two sections granted to the State for a seminary of learning, and from the sale of the ten sections granted to the State for the erection of public buildings, must be paid out of the State Treasury on the order of the Regents of the University.

Proceeds of  
sale of eighty-  
two sections  
to be paid to  
Regents

Delinquency  
List

POL. C. SEC. 3536. All persons who have purchased any portion of either of the grants mentioned in the preceding section, and who have not paid in full therefor, must be included in the delinquent list, and the District Attorney must proceed against such delinquents as provided in Sections 3547 and 3548, and the provisions of Sections 3548 to 3556, inclusive, are made applicable to such proceedings. If such lands revert to the State, they pass under the control of and may be sold by the Board of Regents of the University.



**An Act concerning the selection and sale of University Lands.**

[Approved March 13, 1874. Stats. 1873-4:356. Section 1 amended April 9, 1880. Stats. of Cal. 1880:36.]

SECTION 1. In all cases when a contest shall arise between two or more persons concerning the right of such persons to purchase any portion of the one hundred and fifty thousand acres of land granted to the State for the use of an Agriculture College, if either party shall demand a trial in the Courts of the State, the Land Agent of the University, as the agent of the State, shall make an order, referring said contest to the Superior Court of the county in which the land involved is situated, and shall enter said order in the proper record book of his office; *provided*, that the party making such demand shall prosecute his contest to judgment within six months from the date of such demand, unless for cause satisfactory to the Court. Either party may bring an action in the Superior Court of the county in which the land in question is situated, to determine such conflict; and the proffer of a certified copy of the entry made by the said agent, shall give the said Superior Court full and complete jurisdiction to hear and determine said conflict; and upon the filing with the said agent of a copy of the final judgment of said court, he shall issue the certificate of purchase or other evidence of title, in accordance with said final judgment.

Contest  
between  
claimants to  
right of  
purchase

SEC. 2. Whenever any resident of this State desires to purchase any part of the one hundred and fifty thousand acres of land granted to the State for the use of an Agricultural College, he or she shall make an affidavit before any officer authorized to administer oaths, that he or she is a citizen of the United States (or if a foreigner, then that he has filed his intention of becoming a citizen), a resident of the State, of lawful age, that he or she desires to purchase said land, giving a description thereof by legal sub-

Procedure of  
purchaser

divisions, and that there are no improvements of any kind on said land other than those of the applicant; or if there be improvements other than his own, then he or she shall state that such improvements are the property of (giving his or her name), and have been upon the land for three months or over, and that the township has been sectionized and the plats of survey filed in the Land Office of the district in which the land is located, for three months or over, which application shall be forwarded to the said Land Agent of the University.

SEC. 3. This Act shall be in force from and after its passage.

The Amendment to Section One consisted merely in substituting the word "Superior" for "District" whenever the latter occurred.

Under this Act the affidavit accompanying an application for the purchase of University land, forming part of the Congressional grant for the use of an Agricultural College, need not state that there is no occupation of nor settlement upon the land other than that of the applicant.

A person who has never settled upon, occupied, or improved University land, cannot acquire a right of purchasing it as against an applicant to purchase who is an actual settler upon the land, and has improved it, and resided thereon with his family.

*White vs. Douglas*, 71 Cal. 115.

In an action of this kind both parties are actors and each must allege and prove all the facts upon which he relies as showing his right to become a purchaser, and the steps he has taken to avail himself of and secure such right.

*Cushing vs. Keslar*, 68 Cal. 473.

## CHAPTER XXIV.

## SCHOLARSHIPS.

**An Act to provide four competitive scholarships for the benefit of meritorious young men desirous of entering the State University.**

[Approved April 1, 1870. Stats. 1869-70:546. Section 1 amended March 7, 1872. Stats. 1871-2:275.]

SECTION 1. The Regents of the University of California are authorized to establish four competitive scholarships, each embracing the full term of four years in the University. One only of said scholarships shall be issued at the beginning of each University year, except to fill vacancies; *provided*, that the present and all future scholarships shall be subject to examination at the close of each University year, and if the student having the benefit of any scholarship shall not be found by his acquirements, industry, and conduct to deserve the continuance of the same, it shall be the duty of the President of the University to report the same to the Regents, who shall declare the scholarship vacant, and the same shall thereafter be filled in the same manner as other scholarships are filled. The present scholarships shall be subject to this Act, and the appointments herein provided for shall be made when vacancies occur; *provided*, that the number shall be reduced to four, as above provided.

Regents may  
establish four  
scholarships

SEC. 2. The competitive examination for scholarships shall be made by the Faculty. The applicants for such examination shall be bona fide residents of California, and shall have been chiefly educated in any of the schools of this State, and shall, at the time of application, satisfy the

Competitive  
examination

Regents in respect to character and to the inability of the applicant to provide his own maintenance at the University.

Value \$300  
per annum

SEC. 3. Each scholarship shall be entitled to three hundred dollars per annum, to be appropriated out of the funds belonging to the University, and shall be applied, under the direction of the proper officer of the Faculty, to the education and support of the scholar during his University course; *provided*, the Regents may, upon the recommendation of the Faculty, revoke any scholarship for improper conduct or violating of established rules, and shall have power to fill all vacancies which may occur in scholarships under competitive examination.

The amendment reduced the number of scholarships from five to four and added to Section One all commencing with the second sentence. Section Three formerly omitted the words "per annum" in the second line.

See Sec. 10, Organic Act, p. 25.

## CHAPTER XXV.

### SCHOOL LAWS.

POL. C. SEC. 1503. SUBDIVISION 5. Said diploma of graduation from any State normal school in this State, when accompanied by a document granted by the Faculty of the State University on or before the thirtieth day of June, nineteen hundred and three, showing that the holder of such diploma has successfully completed the course of instruction in said University prescribed for students who are graduates of a normal school of this State, shall entitle such holder to a high school certificate authorizing the holder to teach in any grammar and primary school, and in any high school in this State.

High school  
certificate to  
normal school  
graduates upon  
document from  
University

POL. C. SEC. 1521. The powers and duties of the State Board of Education are as follows:

\* \* \* \* \*

2. (A) To prescribe by general rule the credentials upon which persons may be granted certificates to teach in the high schools of this State. No credentials shall be prescribed or allowed, unless the same, in the judgment of said board, are the equivalent of a diploma of graduation from the University of California, and are satisfactory evidence that the holder thereof has taken an amount of pedagogy equivalent to the minimum amount of pedagogy prescribed by the State Board of Education of this State, and include a recommendation for a high school certificate from the faculty of the institution in which the pedagogical work shall have been taken.

State Board of Education to prescribe credentials for high school certificates

POL. C. SEC. 1670:

\* \* \* \* \*

*Twelfth*—The course of study for the respective high schools shall be prepared by the high school board, and, except in cities and incorporated towns, shall be subject to the approval of the County Board of Education. Said course of study shall embrace a period of not less than three years; and it shall be such as will prepare graduates therein for admission into the State University. \* \* \*

High school course must prepare for University

POL. C. SEC. 1775 (1) County Boards of Education may, without examination, grant certificates as follows:

County Boards may grant

(a) High school certificates: (1) To the holders of credentials approved by the State Board of Education in accordance with subdivision two of section fifteen hundred and twenty-one of this code; (2) To the holders of special credentials issued by said State Board, in accordance with said subdivision; (3) To holders of high school certificates issued by any County, or City and County, Board of Education in this State; (4) To holders of normal school

high school certificates,

diplomas accompanied by documents from the Faculty of the State University, provided for in subdivision five of section fifteen hundred and three of this Code.

and grammar  
school  
certificates

(b) Grammar school certificates: To the holders of the following credentials: \* \* \* (3) Diplomas from the University of California, or from any other university that shall be declared by the State Board of Education to be of equal rank with the University of California, when the holders have completed the prescribed course in the pedagogical department of the State University, or a pedagogical course that said State Board shall declare to be equivalent to such prescribed course, and have been recommended by the faculty of the university issuing such diploma; \* \* \*

State Board  
may grant  
certificates

(5) Whenever any holder of a diploma from the State University, or from any other university that shall be declared by the State Board of Education to be of equal rank with the State University, shall present to said State Board satisfactory evidence of having had two years' successful experience as a teacher, subsequent to graduation, accompanied by satisfactory evidence that such holder has completed the prescribed course in the pedagogical department of the University of California, or a pedagogical course equivalent thereto, the State Board of Education shall grant to the holder of said university diploma a document signed by the president and secretary of the State Board, showing such fact, and said diploma, accompanied by said document of the State Board attached thereto, shall become a permanent certificate of qualification to teach in any grammar or primary or high school in the State, valid until such time as the said document shall be revoked by said State Board of Education, for any of the causes shown in subdivision four [three] of section seventeen hundred and ninety-one of this Code.

The word "may" in the opening sentence of this section is not mandatory but permissive and discretionary, and mandamus will not lie to compel a County Board of Education to issue a county certificate to any one falling within the terms of that section.

*Kemble vs. McPhail*, 128 Cal. 444.

POL. C. SEC. 1792. The city, or city and county, boards of examination may also recommend the granting of city, or city and county certificates, and the renewal thereof, in the manner provided for the granting and renewal of county certificates by county boards of education in section seventeen hundred and seventy-five of this Code.

Recommendations by  
County Boards

POL. C. SEC. 2327. The control and management of the University of California and the State Normal School are provided for in title three, of part three, of this Code. [En. March 12, 1872.]

(See page 129.)

**An Act creating a fund for the benefit and support of high schools and providing for its distribution.**

[Approved March 2, 1903. Stats. 1903:64.]

\* \* \* \* \*

SEC. 9. High schools organized under the present law for the establishment of high schools and receiving State aid under this Act shall within one year after first beginning to receive such State aid provide at least one course of study such as will prepare pupils for admission to one of the colleges of the University of California, and for that purpose said high schools shall be subject to inspection by a duly accredited representative of said University. High schools eligible to receive State aid as herein provided shall admit as students only such pupils as have completed the full course of instruction prescribed for the primary and grammar schools of the county or city and county wherein

High schools receiving State aid subject to inspection by University.

the high school is located, or an equivalent course, or such pupils as may show by thorough examination that their qualifications are equivalent to the requirements for graduation from said primary and grammar school course; *provided*, that pupils otherwise qualified to enter a high school and residing in territory wherein no high school exists shall have the right to attend any high school that receives State aid under the provisions of this Act without the payment of tuition fee, if such schools have room or accommodations for them.

## CHAPTER XXVI.

### STATE ANALYST.

**An Act to provide for analyzing the Minerals, Mineral Waters, and other Liquids, and the Medicinal Plants of the State of California, and of Foods and Drugs, to prevent the adulteration of the same.**

[Approved March 9, 1885. Stats. 1885:43.]

Governor to  
appoint  
University  
professor as  
State Analyst,

SECTION 1. The Governor of the State of California shall appoint one of the Professors of the State University of California of sufficient competence, knowledge, skill, and experience, as State Analyst, whose duty it shall be to analyze all articles of food, drugs, medicines, medicinal plants, minerals, and mineral waters, and other liquids or solids which shall be manufactured, sold, or used within this State, when submitted to him, as hereinafter provided.

to examine  
samples of  
food, etc.,

SEC. 2. The State Board of Health and Vital Statistics, or medical officers of health of any city, town, or of any city and county, or county, may, at the cost of their respective boards or corporations, purchase a sample of any food, drugs, medicines, medicinal plants, mineral waters, or other liquids offered for sale in any town, village, or city in this State, and submit the same to the State Analyst as hereinafter



provided; and said Analyst shall, upon receiving such article duly submitted to him, forthwith analyze the same, and give a certified certificate to the Secretary of the State Board of Health submitting the same, wherein he shall fully specify the result of the analysis; and the certificate of the State Analyst shall be held in all the Courts of this State as prima facie evidence of the properties of the articles analyzed by him.

SEC. 3. Any person desiring an analysis of any food, drug, medicine, medicinal plant, soil, mineral water, or other liquid, shall submit the same to the Secretary of the State Board of Health, together with a written statement of the circumstances under which he procured the article to be analyzed, which statement must, if required by him, be verified by oath, and it shall be the duty of the Secretary of the State Board of Health to transmit the same to the State Analyst, the expenses thereof to be defrayed by the said Board.

SEC. 4. The State Analyst shall report to the State Board of Health the number of all articles analyzed, and shall specify the results thereof to said Board annually, with full statement of all the articles analyzed, and by whom submitted.

SEC. 5. The State Board of Health may submit to the State Analyst any samples of food, drugs, medicines, medicinal plants, mineral waters, or other liquids, for analysis, as hereinbefore provided.

SEC. 6. It shall be competent for the Mineralogist of the State of California to submit to the State Analyst any minerals of which he desires an analysis to be made; *provided*, that the cost of the same shall be defrayed by the Mineralogical Bureau.

SEC. 7. The Board of State Viticultural Commissioners shall have the same privileges as are provided for the

State Board of Health under this Act, with respect to samples of wines and grape spirits, and of all liquids and compounds in imitation thereof, and any person or persons desiring analysis of such products, shall submit the same to the Secretary of the said Board of State Viticultural Commissioners, and the same shall be transmitted to the State Analyst, in the manner prescribed in section three of this Act. The analyses shall be made, and the certificates of the State Analyst shall be forwarded to the Secretary of the said Board of State Viticultural Commissioners, and shall have the same force and effect as provided for in section two of this Act, with respect to analyses made for the State Board of Health.

See Act of March 27, 1895, concerning abolition of Viticultural Commission, page 157.

## CHAPTER XXVII.

### VITICULTURE.

#### **An Act for the promotion of the viticultural industries of the State.**

[Approved April 15, 1880. Stats. 1880:53. Sections 1, 2, 3, 4, 5, 6, 7 and 10 repealed, 1895:235.]

\* \* \* \* \*

Requests to  
provide  
instruction in  
viticulture

SECTION 8. And for the further promotion of viticultural interests, it shall be the duty of the Board of Regents of the University of California to provide for special instruction to be given by the Agricultural Department of the University in the arts and sciences pertaining to viticulture, the theory and practice of fermentation, distillation, and rectification, and the management of cellars, to be illustrated by practical experiments with appropriate apparatus; also, to direct the Professor of Agriculture, or his assistant, to make personal examinations and reports

upon the different sections of the State adapted to viticulture; to examine and report upon the woods of the State procurable for cooperage, and the best methods of treating the same; and to make analysis of soils, wines, brandies, and grapes, at the proper request of citizens of the State; also, to prepare a comprehensive analysis of the various wines and spirits produced from grapes, showing their alcoholic strength and other properties, and especially any deleterious adulterations that may be discovered. The Regents shall also cause to be prepared, printed, and distributed to the public, quarterly reports of the professor in charge of this work relating to experiments undertaken, scientific discoveries, the progress and treatment of the phylloxera and other diseases of the vine, and such other useful information as may be given for the better instruction of viticulturalists.

Reports

SEC. 9. The Board of Regents of the University shall be authorized to receive and accept donations of lands suitable for experimental vineyards and stations, and shall submit in their next annual report an economical plan for conducting such vineyards, and for the propagation and distribution of specimens of all known and valuable varieties of grape vines.

Donations

An Act to repeal sections one, two, three, four, five, six, seven, and ten of an Act entitled "An Act for the promotion of the viticultural industries of the State," approved April 15, 1880; also, an Act entitled "An Act to define and enlarge the duties and powers of the Board of State Viticultural Commissioners, and to authorize the appointment of certain officers, and to protect the interests of horticulture and viticulture," approved March 4, 1881; also, an Act entitled "An Act to enlarge the duties of the Board of State Viticultural Commissioners," approved February 26, 1885; to provide for completion of unfinished work, for the transfer of the property of the Viticultural Commission, and making an appropriation therefor.

[Approved March 27, 1895. Stats. 1895:235.]

WHEREAS, It has been and now is the policy of the State of California to encourage the viticultural industries of the State; and whereas, the Board of State Viticultural Commissioners has been empowered by the several Acts of the Legislature of the State of California to perform certain duties for the encouragement of these industries; and whereas, the University of California is fully empowered to continue the work; now, therefore,

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

Repeal of Acts

SECTION 1. Sections one, two, three, four, five, six, seven, and ten of an Act entitled "An Act for the promotion of the viticultural industries of the State," approved April fifteenth, eighteen hundred and eighty; also, an Act entitled "An Act to define and enlarge the duties and powers of the Board of State Viticultural Commissioners, and to authorize the appointment of certain officers, and to protect the interests of horticulture and viticulture," approved March fourth, eighteen hundred and eighty-one; also, an Act entitled "An Act to enlarge the duties of the Board of State Viticultural Commissioners," approved February twenty-sixth, eighteen hundred and eighty-five, are hereby repealed. All Acts and parts of Acts prescribing the duties of the University of California remain in force. The provisions of this section shall take effect and be in force on the thirty-first day of December, Anno Domini eighteen hundred and ninety-five.

SEC. 2. The Board of State Viticultural Commissioners is hereby directed to proceed to complete all unfinished work which it has heretofore undertaken, and to perform such other duties as the laws now require; *provided, however*, that no new work or investigations shall be undertaken which cannot be completed before the time specified

in section one of this Act; *provided further*, that no further obligations calling upon the State for support shall be created.

SEC. 3. The said Board is hereby directed to transfer, on or before the thirty-first day of December, Anno Domini, eighteen hundred and ninety-five, all property in its possession, or under its control, belonging to the State, to the Regents of the University of California, for the further promotion of the viticultural industries of the State.

Viticultural  
Commissioners  
to transfer  
property

SEC. 4. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the uses of said Regents of the University of California, for the forty-seventh and forty-eighth fiscal years, the sum of five thousand dollars.

The portion of the Act first repealed provided for a Viticultural Commission, two at large and one from each of seven districts into which the State was divided; prescribed the duties of the Commission, and term of officers and time and place of meetings and the number and salaries of employees.

The Act of February 26, 1885, repealed, provided among other things that the chief executive officer of the Board of State Viticultural Commissioners should on request of the Regents deliver lectures at the University.

**An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.**

[Approved March 26, 1903. Stats. 1903: 522.]

SECTION 1. The Regents and the President of the University of California are hereby directed to cause to be prosecuted with all possible diligence, in connection with and in addition to the work heretofore carried on by the agricultural experiment station, experimental and research work in the field of viticulture, including both cultural and industrial processes. They are directed to ascertain the adaptation of the various kinds of vines to the several

Viticultural  
research to be  
prosecuted.

climatic and soil conditions of the State, with the special reference to those stocks for propagating purposes, resistant to the phylloxera, and to further their adaptability and utility as grafting stocks for producing wine, raisin and table grapes. They are directed to ascertain the best methods of grafting and propagating said stocks and vines, together with the most important methods of vinification and the preparation, manufacture and application of yeasts in vinification and distillation. They are further directed to report upon the utilization of the by-products of the vineyard and winery, the study and treatment of the vine diseases and all matters appertaining to the viticultural industry, pertinent to the successful conduct of the business and that may be of general public interest, use and profit. They are further directed to publish the result of said experiments and investigations in form of bulletins from time to time, as may seem advisable and not less than two bulletins showing the progress and result of the work, shall be issued in any fiscal year.

Two bulletins  
to be published  
yearly

Appropriation

SEC. 2. The sum of three thousand dollars (\$3,000) is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this Act; said money to be paid to the Regents of the University of California, to be expended by them through the Agricultural Department of the University during the two years beginning July 1, 1903. The Comptroller of the State is hereby directed to draw his warrant for such payments as requested by said Regents of the State University of California, and the Treasurer of the State is hereby directed to pay the same.

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

## CHAPTER XXVIII.

## WATER SUPPLY.

**An Act to provide a supply of water for the University, and for the Asylum for the Deaf, Dumb, and Blind.**

[Approved April 1, 1876. Stats. 1875-6:816.]

SECTION 1. Any of the springs and natural sources of water supply which are within a distance of one mile and a half from the extreme limits of the University grounds, together with so much of the lands on which the same are located as are necessary for the protection of said springs and sources of supply, and the right of way for a pipe or aqueduct over intervening lands to reach the same, may be condemned, in the manner hereinafter provided, for the use of the University and Deaf, Dumb, and Blind Asylum, and shall not be taken up or appropriated by any private corporation. Said springs and sources of water supply, and said lands, are hereby declared to be necessary for the use of the institutions above named, and such use is declared to be a public use.

Sources of  
water supply  
may be  
condemned

SEC. 2. In order to effect such condemnation, a complaint shall be filed by the Attorney-General, in the name of the people of the State of California, against all owners or claimants of such springs, and of the lands on which the same are situated, and of the lands over which a right of way is sought, whose names are known or can be conveniently ascertained, and against all unknown owners and claimants, designating them as "unknown owners" in said complaint. All the proceedings thereafter shall be had and taken under and in accordance with the provisions of title

Procedure

seven, part third of the Code of Civil Procedure, except that it shall not be necessary, upon the trial, to show that said springs are necessary to the institutions aforesaid.

SEC. 3. Instead of a trial by jury, the District Court may, in its discretion, appoint three Commissioners or Referees to appraise the value of said springs and lands, and the right of way to reach the same from the University grounds, over the lands between said springs and the grounds of the University.

SEC. 4. Upon a judgment being rendered for the condemnation of said springs and lands, and right of way, and appraising the value thereof, and upon filing in said proceeding a written certificate by the Governor, approving such valuation, the Controller shall draw his warrant upon the State Treasurer, in favor of the Treasurer of the Board of Regents, for the amount of such valuation, payable out of any monies in the General Fund, and said Treasurer of the Board of Regents shall pay the amount forthwith into the Court in which such judgment is rendered, to be paid out, under the order of said Court, to the parties entitled thereto. When said amount is paid into Court, the title to said springs and land, and right of way shall vest in the State for the use and benefit of the public institutions hereinbefore referred to.

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

Mandamus will not lie to compel the Governor's approval as provided in section four, for that is an act involving his judgment and discretion. Whether he could be compelled to make inquiry concerning values—Query.

Berryman *vs.* Perkins, 55 Cal. 483.



**PART III**

**GIFTS\***

**UNDER CONDITIONS**

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\*A summary of all gifts to the University from its foundation up to March 23, 1904, as collected by President Wheeler, may be found in the UNIVERSITY CHRONICLE, Vol. 6, p. 260.



## CHAPTER I.

## COLLEGE OF CALIFORNIA TRUSTS.

## 1.—From the College of California to the State of California.

This indenture, made this twelfth day of February, A.D. one thousand eight hundred and sixty-eight, between the President and Board of Trustees of the College of California, a corporation organized and existing under the laws of the State of California, party of the first part, and the State of California for the uses of a University, of the second part: Purpose

Whereas, At a meeting of said President and Board of Trustees of the College of California, held in the City of San Francisco on the ninth day of October, A.D. one thousand eight hundred and sixty-seven, the following resolutions were by them adopted, viz.:

*Resolved*, That the President and Board of Trustees of the College of California hereby offer to donate to the State Board of Directors of the Agricultural, Mining, and Mechanical Arts College one hundred and sixty acres of land situated in the Township of Oakland, County of Alameda, said State, consisting of the lands lying between the two ravines or branches which unite to form Strawberry Creek, and known as the California College lands, as and for a site and grounds of said Agricultural, Mining, and Mechanical Arts College, and of an academical college or university.

*Resolved*—Second, That in making this offer of donation said President and Board of Trustees of the College of California are influenced by an earnest hope and confident expectation that the State of California will forthwith

For  
University  
site

organize and put into operation, upon the aforesaid site and grounds, a University of California, which shall include a College of Mines, a College of Civil Engineering, a College of Mechanics, a College of Agriculture, an Academic College, all of the same grade and with courses of instruction at least equal to those of eastern colleges and universities.

Now, therefore, this indenture witnesseth that the said party of the first part, in conformity with the said resolutions, and for and in consideration of the sum of ten dollars, lawful money of the United States, to it paid by said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, and also for other good and valuable considerations, it hereunto moving, hath granted, bargained, and sold, and by these presents doth grant, bargain, and sell, unto the said party of the second part and its assigns forever, all that certain tract, piece, or parcel of land situated, lying, and being in the Township of Oakland, County of Alameda, and State of California, bounded and described as follows, namely: \* \* \* Being portions of plats 69, 70, 71, 79, 80, 81, and 82, as the same are laid down, designated, and numbered on a map of the Ranchos of Vicente and Domingo Peralta, surveyed by Julius Kellersberger, and on file or of record in the County Recorder's office of Alameda County, containing one hundred and sixty acres of land, and being the same land and premises which are mentioned and contemplated in and by the said resolutions of said President and Board of Trustees, hereinbefore set forth; together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and also all the estate, right, title, and interest, property, possession, claim, and demand whatsoever, as well in law as in equity, of the said party of the first part,

of, in, and to the above described premises, and every part and parcel thereof, with the appurtenances.

To have and to hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said party of the second part and its assigns forever.

[Duly executed and recorded, Liber 30 of Deeds, page 163, Alameda County Records.]

## 2.—College of California to Regents.

This indenture, made the first day of June, in the year of our Lord one thousand eight hundred and seventy, by and between the President and Board of Trustees of the College of California, a corporation duly incorporated under and by virtue of the laws of the State of California, acting herein by Horatio Stebbins, its President, and J. W. Stow, its Secretary, hereunto duly authorized by resolution of said Board of Trustees as hereinafter set forth, party of the first part, and the Regents of the University of California, a corporation duly incorporated under and by virtue of the laws of the State aforesaid, party of the second part, witnesseth: Whereas, at a meeting of the Board of Trustees of the party of the first part, held on the thirtieth day of May, A.D. 1870, the following resolution was duly adopted, to wit: Whereas, the President and Board of Trustees of the College of California is indebted in the sum of fifty-four thousand and fifty  $\frac{40}{100}$  dollars, and the Regents of the University of California has assumed the said indebtedness and relieved the "President and Board of Trustees of the College of California" therefrom; and whereas, the President and Board of Trustees of the College of California desire to promote the educational plans and objects of the Regents of the University of California; now, therefore, it is resolved, That the President and Secretary of this Board be and they are hereby authorized and empowered, by good and valid deed, to donate

Purpose

Conditions

and transfer and convey to the Regents of the University of California, and to its successors and assigns forever, all the following described property, to wit: 18  $\frac{25}{100}$  acres of land in plat No. 82, 64  $\frac{49}{100}$  acres of land in plat No. 80, 230 acres of land, more or less, in the mountain or undivided tract, and lots Nos. 1 to 11 inclusive in Block B, lot No. 49 in Block F and lots Nos. 20, 21, 23, 24, 26, 27, 28, 29, 31, and 32 in Block D, as laid down and designated upon the map of a portion of the Berkeley property, all of which lots, being twenty-two in all, being also portions of plat No. 80; also, Block No. 173, as laid down on Kellersberger's map of the City of Oakland, the same being all the the lands now belonging to the President and Board of Trustees of the College of California, in trust, to sell, mortgage, or dispose of the same, or any part thereof, at such time or times, at such price or prices, and on such terms, as it shall deem best, and to give good and valid title to the purchaser or purchasers thereof without requiring the said purchaser or purchasers to look to the application of the purchase money paid or to be paid therefor, and out of proceeds thereof to retain and repay the advances made and to be made by it in the payment of the indebtedness aforesaid, and the balance of said proceeds to use, bestow, invest, and reinvest for its own uses and purposes, and until said sale, mortgage, or disposition of said property, to take, receive, hold, and in all respects manage the same as it may seem best. Now, therefore, the party of the first part doth by these presents donate, transfer, and convey unto the party of the second part and to its successors and assigns forever, all of those certain pieces or parcels of land situate, lying, and being in the County of Alameda, State of California, bounded and described as follows, to wit: First, \* \* \* Being a portion of plat number eighty-two (82) as designated and numbered on a certain map of the Ranchos of Vicente and Domingo Peralta, surveyed by one Julius Kellersberger and on file

in the County Recorder's office in and for the said County of Alameda.

Second \* \* \* Being a portion of said plat number eighty (80).

Third—All those certain lots \* \* \* the said lots being twenty-two in all, and a portion of said plat number eighty (80), as designated on said map of Kellersberger.

Fourth—All the right, title, and interest of the party of the first part, of, in, and to all the undivided mountain land situate easterly of the said plats, numbered eighty (80) and eighty-two (82), as known and designated on the said map of the said Julius Kellersberger; the same being the undivided interest in lands not embraced in any of the numbered plats upon the said map of Kellersberger; said undivided interest supposed to be two hundred and thirty (230) acres of land more or less, and more particularly described in a certain deed bearing date November 6, A.D. 1858, made and executed by one John A. Bonneron to one Orrin Simmons, and recorded in the County Recorder's office in and for the County of Alameda, on March 21, A.D. 1859, in Liber H of Deeds, page 717, and also in a certain other deed bearing date August 10, A.D. 1864, made and executed by the said Orrin Simmons and Hannah his wife, to the party of the first part herein, and recorded in the County Recorder's office aforesaid, on August 19, A.D. 1864, in Liber P of Deeds, page 687, to both of which said deeds, for greater certainty, reference is hereby made, together with all right, title, and interest, possession, claim, and demand, conveyed to the party of the first part herein by the said last above mentioned deed from the said Orrin Simmons and Hannah his wife, of, in, and to all that certain portion of the undivided mountain lands herein above referred to, which had been included and inclosed within a fence by the said Simmons, and was in the possession of and occupied by the said Simmons at the date of

the execution and delivery by himself and wife of the said deed last above mentioned, and since then continuously has been and now is in the actual, notorious, and exclusive possession of and occupied by the party of the first part herein.

Fifth.—All that certain other piece or parcel of land situate, lying, and being in the City of Oakland, County of Alameda, aforesaid, bounded and described as follows: On the north, by Thirteenth Street; on the east, by Webster Street; on the south, by Twelfth Street, and on the west by Franklin Street, being block number one hundred and seventy-three (173) as designated and numbered on a certain map of the said City of Oakland, made by the said Julius Kellersberger, and on file in the County Recorder's office in and for the County of Alameda, aforesaid; together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and, also, all the estate, right, title, interest, property, possession, claim, and demand whatsoever, as well in law as in equity, of the party of the first part, of, in, and to the above described lands and premises, and every part and parcel thereof, with the appurtenances.

Conditions To have and to hold, all and singular, the above mentioned and described lands and premises, together with the appurtenances, unto the party of the second part and to its successors and assigns forever; in trust, however, for the several interests and purposes following, that is to say: In trust to sell, mortgage, or dispose of the said lands and premises, or any part thereof, at such time or times, and at such price or prices, and on such terms as it, the party of the second part, shall deem best, and to give good and valid title to the purchaser or purchasers thereof, without requiring the said purchaser or purchasers to look to the application of the purchase money paid or to be paid therefor, and



out of the proceeds thereof to retain and repay the advances made or to be made by the party of the second part in the payment of the indebtedness mentioned in the resolution herein above set forth, and the balance of said proceeds to use, bestow, invest, and reinvest for its, the party of the second part, own use and purposes, and until such sale, mortgage, or disposition of said lands and premises to take, receive, hold, and in all respects manage the same.

[Duly executed and recorded, Liber 55 of Deeds, p. 227, Alameda County Records.]

### 3.—College of California to the State.

This indenture, made the twenty-seventh day of November, in the year of our Lord one thousand eight hundred and sixty-nine, between the President and Board of Trustees of the College of California, a corporation duly formed and existing under the laws of the State of California, the party of the first part, and the State of California, represented by the Regents of the University of California, a corporation duly formed and existing under the laws of said State, the party of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of one dollar, lawful money of the United States of America, to it in hand paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, and sold, and by these presents doth grant, bargain and sell unto the said party of the second part, and to its successors and assigns forever, all the right, title, and interest of the said party of the first part of, in, and to all that certain tract, piece, or parcel of land situated, lying, and being in Oakland Township, in the County of Alameda, and State of California, bounded and described as follows: \* \* \* containing ten acres of land and being a portion of said plat number 69 (sixty-nine). Together with all and singular the tene-

ments, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and, also, all the estate, right, title, interest, property, possession, claim, and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in, or to the above described premises, and every part and parcel thereof, with the appurtenances.

To have and to hold all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, its successors and assigns forever.

[Duly executed and recorded December 3, 1869, in Liber 48 of Deeds, p. 441, Alameda County Records.]

#### 4.—College of California to the State.

This indenture, made the twenty-sixth day of November, A.D. 1869, between the President and Board of Trustees of the College of California, a corporation organized and existing under the laws of the State of California, the party of the first part, and the State of California represented by the Regents of the University of California, a corporation duly formed and existing under the laws of said State, the party of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of twenty-four thousand six hundred dollars, lawful money to it in hand paid by the said party of the second part, at or before the ensembling and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained and sold, conveyed and confirmed, and by these presents doth grant, bargain, and sell, convey and confirm unto the said party of the second part, its successors and assigns forever, all those certain tracts, pieces, or parcels of land situate, lying, and being in the Township of Oakland, County of Alameda, and State of California, bounded and particularly described as follows:

First.—\* \* \* Being a portion of plat number 70 (seventy) on said map.

Second.—\* \* \* Being portions of plats numbers 79 (seventy-nine) and 81 (eighty-one) on said map.

Said two tracts of land containing together thirty-one acres and seventy-three hundredths of an acre of land; together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, and interest, property, possession, claim, and demand whatsoever, as well in law as in equity, of the said party of the first part of, in, or to the above described and hereby granted and released premises, and every part and parcel thereof, with the appurtenances.

To have and to hold all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, its successors and assigns forever.

[Duly executed and recorded in Liber 48 of Deeds, pp. 435-36-37, of the Alameda County Records.]

See above p. 29.

##### 5.—Acceptance of Donations from the College of California.

*Resolved*, That the Board of Regents take this occasion to repeat the expression of their profound appreciation of the far-seeing public spirit, devotion to learning, and the good of the commonwealth manifested by the Trustees of the College of California in the resolutions passed by their Board, August, [October ninth] eighteen hundred and sixty-seven, to wit:

" *Resolved*, That the President and Board of Trustees of the College of California hereby offer to donate and convey to the State Board of Directors of the Agricultural, Mining, and Mechanical Arts College, one hundred and sixty acres

of land in the Township of Oakland, Alameda County, including the lands between the two ravines, commonly known as the California College site, for the site and farm of the said State College. *Resolved*, That in making this donation the College of California is influenced by the earnest hope and confident expectation that the State of California will forthwith organize and put into operation upon this site a University of California, which shall include a College of Mines, a College of Civil Engineering, a College of Mechanics, and [a] College of Agriculture, and an Academical College, all of the same grade, and with courses of instruction equal to those of Eastern Colleges. *Resolved*, That the President and Secretary of this Board be authorized to enter into a contract [on behalf of this corporation] with the State Board of Directors of the Agricultural, Mining, and Mechanical Arts College to the effect that whenever a University of California shall be established as contemplated in the next preceding resolution, then the College of California will disincorporate, and, after discharging all its debts, pay over its net assets to said University;" and that we recognize in these resolutions the incipient germ of the State University.

Acceptance of  
trusts

*Resolved*, That in view of the important trusts prospectively confided to us by these resolutions, we do hereby signify to the Trustees of the College of California our sense of responsibility, and our purpose and intent to preserve, cherish, and carry forward to posterity these trusts in the same enlightened spirit in which they are confided to us.

*Resolved*, That for the purpose of simplifying our relations, and for the greater facility in the management of our affairs, we do hereby express to the Trustees of the College of California our readiness now to conclude the transaction by which their Institution and its effects are to be transferred to the University.

*Resolved*, That the Regents will in case of these conclusive acts, carry forward without interruption, as classes in the University those now in the College of California, and such as may join them, in the buildings of the College of California until this Board shall be ready to receive those classes and students in the contemplated University buildings at Berkeley.

*Resolved*, That if the Trustees of the College of California are pleased to accept the proposal and stipulations made in these resolutions, we do hereby request them to signify the same to this Board, and to communicate their wishes concerning time, place, and occasion for that important transaction.

[April 5, 1869.]

## CHAPTER II.

### LICK TRUST.

#### 1.—The James Lick Trust.

OFFICE OF THE BOARD OF TRUSTEES OF THE  
"JAMES LICK TRUST,"

SAN FRANCISCO, November 1, 1875.

*To the Regents of the University of California:*

GENTLEMEN: I am instructed by the Board of Trustees of the "Lick Trust," to inform you that you are one of the beneficiaries of the Trust.

The terms of the Trust in your favor are to be found in the following extract from the Trust Deed, viz.:

"*Third*—To expend the sum of seven hundred thousand dollars (\$700,000) for the purpose of purchasing land and constructing and putting up on such land as shall be designated by the party of the first part, a powerful telescope, superior to and more powerful than any telescope

Trust  
provisions

ever yet made, with all the machinery appertaining thereto and appropriately connected therewith, or that is necessary and convenient to the most powerful telescope now in use or suited to one more powerful than any yet constructed; and also a suitable observatory connected therewith. The parties of the second part hereto and their successors shall, as soon as said telescope and observatory are constructed, convey the land whereupon the same may be situated, and the telescope, observatory, and all the machinery and apparatus connected therewith, to the corporation known as the 'Regents of the University of California;' and if after the construction of said telescope and observatory, there shall remain of said seven hundred thousand dollars in gold coin any surplus, then said parties of the second part shall turn over such surplus to said corporation, to be invested by it in bonds of the United States, or of the City and County of San Francisco, or other good and safe interest-bearing bonds, and the income thereof shall be devoted to the maintenance of said telescope and the observatory connected therewith, and shall be made useful in promoting science; and the said telescope and observatory are to be known as 'The Lick Astronomical Department of the University of California.' "

I am further instructed to say, that Mr. Lick has selected as the site of the observatory, a section of land belonging to the United States, situated on Mt. Hamilton, in Santa Clara County, California. We desire to have your coöperation in attaining the title through the State grant to you.

We shall be pleased to hear that you accept the donation; and also in what manner and to what extent you are authorized or feel disposed to assist in carrying out the views of the beneficent donor.

I have the honor to be, very respectfully, your obedient servant,

RICHARD S. FLOYD,

President of the Board of Trustees of the Lick Trust.

## 2.—Conveyance of Personal Property at Mount Hamilton.

Know all men by these presents: That we, Richard S. Floyd, Charles M. Plum, George Schönewald, and Edwin B. Mastick, surviving Trustees of the trusts declared in and by a conveyance made by James Lick to Richard S. Floyd, Faxon D. Atherton, Senior, Bernard D. Murphy, John H. Lick, and John Nightingale, bearing date the twenty-first day of September, 1875, and successors in said trusts of the said Floyd, Atherton, Murphy, Lick, and Nightingale, parties of the first part, in pursuance of the third trust in said deed declared, have granted, and by these presents do grant and convey unto the Regents of the University of California, a corporation, the party of the second part, all the personal property of every name and description contained in the inventory hereto annexed. To have and to hold the same and every part thereof unto the said party of the second part in trust for "The Lick Astronomical Department of the University of California."

Trust  
provision

In Witness Whereof, we have hereunto set our hands and seals this eighteenth day of May, in the year one thousand eight hundred and eighty-eight.

RICHARD S. FLOYD.  
CHARLES M. PLUM.  
GEORGE SCHÖNEWALD.  
EDWIN B. MASTICK.

[Duly attested.]

## 3.—Conveyance of Real Estate at Mount Hamilton.

This indenture, made the nineteenth day of May, one thousand eight hundred and eighty-eight, between Richard S. Floyd, Charles M. Plum, George Schönewald, and Edwin B. Mastick, surviving Trustees of the trusts declared in a certain conveyance, made by James Lick, hereinafter

mentioned, parties of the first part, and the Regents of the University of California, a corporation, parties of the second part.

Trust  
provisions

Witnesseth, that whereas, James Lick, by a conveyance duly executed under his hand and seal, bearing date the twenty-first of September, 1875, did convey unto Richard S. Floyd, Faxon D. Atherton, Senior, Bernard D. Murphy, John H. Lick, and John Nightingale, certain real and personal property in such deed described, in trust, to sell and dispose of the same, and out of the proceeds, among other things, to expend the sum of seven hundred thousand dollars (\$700,000) for the purpose of purchasing land and constructing and putting up on such land as should be designated by him, a powerful telescope, superior to and more powerful than any telescope ever yet made, with all the machinery appertaining thereto, and appropriately connected therewith, or that is necessary and convenient to the most powerful telescope now in use, or suitable to one more powerful than any yet constructed, and also, a suitable observatory, connected therewith, and as soon as the telescope and observatory should be constructed, to convey the land whereupon the same may be situated, and the telescope, observatory, and all the machinery and apparatus connected therewith, to the corporation known as the Regents of the University of California; and whereas, the parties of the first part, and William Sherman, duly succeeded to the trusts reposed by said conveyance in the said Floyd, Atherton, Murphy, Lick, and Nightingale, and said Sherman has since deceased, and said parties of the first part, are the surviving Trustees of said trust; and whereas, the telescope and observatory, so directed to be constructed by them, have been constructed upon the lands hereinafter described, designated for that purpose, by said James Lick; and whereas, there was granted to the said parties of the first part, by an Act of the Congress of the United States, approved June 7, 1876,



all those certain pieces and parcels of land, situate, lying, and being in the County of Santa Clara, State of California, described as follows, viz.:

[See above p. 110, and SECRETARY'S REPORT for 1889, pp. 141 ff.]

\* \* \* \* Being the same lands upon which the said observatory and telescope have been erected and constructed. Now, the said parties of the first part, in execution of the trust in that behalf conferred upon them by the said James Lick, and in pursuance of the provisions of said Act of Congress, grant and convey the said last described lands to the said party of the second part, upon the trusts in said Act declared, subject to the proviso in said Act mentioned. And also, the said lands and the telescope and observatory situated thereon, and all the machinery and apparatus connected therewith. And also, all those certain pieces or parcels of land, situated in said County of Santa Clara, described as follows: \* \* \* \* Containing about 30 (thirty) acres.

Together, with all and singular, the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

And also all the estate, right, title, interest, property, possession, claim, and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in, or to the above described premises, and every part and parcel thereof, with the appurtenances.

To have and to hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, its successors and assigns, forever.

This conveyance is made without any warranty whatever, either express or implied, except that the said parties

of the first part undertake hereby to convey such title to the said lands as was granted or conveyed to them without incumbrance made, done, or created by them, or either of them.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals, the day and year first above written.

RICHARD S. FLOYD.  
CHARLES M. PLUM.  
GEORGE SCHÖNEWALD.  
EDWIN B. MASTICK.

[Duly attested.]

**4.—General Receipt of the Regents to the James Lick Trust.**

Whereas, James Lick, by a conveyance under his hand and seal, bearing date the twenty-first day of September, 1875, did convey unto Richard S. Floyd, Faxon D. Ather-ton, Senior, Bernard D. Murphy, John H. Lick, and John Nightingale, certain real and personal property in such deed described, upon trust, to sell and dispose of the same, and out of the proceeds, among other things, "to expend the sum of seven hundred thousand dollars for the purpose of purchasing land and constructing and putting up on such land a powerful telescope, superior to, and more powerful than any telescope ever yet made, with all the machinery appertaining thereto, and appropriately connected therewith, or that is necessary and convenient to the most powerful telescope in use, or suitable to one more powerful than any yet constructed, and also a suitable observatory connected therewith, and as soon as the telescope and observatory should be constructed, to convey the land whereupon the same may be situated, and the telescope, observatory, and all the machinery and apparatus connected therewith, to the corporation known as the Regents of the University of California; and if after the construction of said telescope and observatory there should remain

of said seven hundred thousand dollars any surplus, that the Trustees should turn over said surplus to said corporation for the maintenance of said telescope and observatory, and for the uses and purposes in said deed particularly mentioned."

And whereas, it was further provided in said conveyance that the said Trustees, after discharging the trusts and making the payments therein mentioned, as therein directed, should make over and transfer the residue of the proceeds of the property thereby conveyed to them, in equal proportions, to the "California Academy of Sciences" and the "Society of California Pioneers," for the purposes in that behalf in said deed mentioned.

And whereas, Richard S. Floyd, William Sherman, Charles M. Plum, George Schönewald, and Edwin B. Mastick duly succeeded to the trusts reposed by said conveyance in the said Floyd, Atherton, Murphy, Lick, and Nightingale, and said Sherman has since deceased, leaving the others surviving Trustees of said trusts.

And whereas, said Trustees have constructed such telescope and observatory in the manner by said deed directed, and have duly conveyed the land whereupon the said observatory is situated, and the observatory and telescope and all other machinery and apparatus connected therewith to the said corporation, Regents of the University of California.

And whereas, there remains of the seven hundred thousand dollars after the construction of said telescope and observatory a large sum of money; upwards of one hundred and ten thousand dollars.

And whereas, the accounts of the said Trustees concerning the expenditures on and about the acquisition of said land, construction of said telescope and machinery, and erection of said observatory, have been duly submitted to the said corporation, Regents of the University, and also

to the California Academy of Sciences, and the Society of California Pioneers, for examination and settlement.

And whereas, some time must necessarily elapse before the same can be fully adjusted; and the Trustees believing that it was the desire and intention of the said James Lick that all of the seven hundred thousand dollars remaining after such expenditures should be delivered to the said corporation for the uses of said telescope and observatory in the interest of science, so soon after the conveyance of said observatory as practicable, and the Trustees are desirous of now paying over to such corporation, of such remainder, the sum of ninety thousand dollars, leaving in their hands, until the final settlement of their accounts, whatever if anything may be coming to it, and the said corporation is willing to receive the said sum of money in manner and form aforesaid.

Now on this first day of June, 1888, the said Trustees have paid to the said corporation, Regents of the University of California, on account of the remainder of said seven hundred thousand dollars, and said Regents of the University of California, a corporation, hereby acknowledges the receipt from said Trustees of the sum of ninety thousand dollars in the gold coin of the Government of the United States, in satisfaction to that extent of the trusts in that behalf declared in and by the conveyance hereinabove just mentioned, without prejudice, to the right of the corporation to demand and receive from said Trustees such additional sum of money, if any, which on a settlement and adjustment of the accounts of the Trustees may be found to be due, owing, or coming to such corporation.

Signed in duplicate.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA.

By J. H. C. BONTÉ,

Secretary Board of Regents.

## 5.—Land of Robert F. Morrow.

THIS AGREEMENT made this thirtieth day of March, A.D. 1886, between Robert F. Morrow, the party of the first part and Richard S. Floyd, Charles M. Plum, Edwin B. Mastick, and George Schöneward, as Trustees of "The James Lick Trust" the parties of the second part,

*Witnesseth:* That the said parties of the second part promise to buy of the party of the first part in consideration that the party of the first part agrees to sell when he shall have acquired the United States title, the following described real property, to wit:

All that certain parcel of land situated in the County of Santa Clara, State of California, and described as follows, to wit: Commencing at the northwest corner of the southwest quarter of Section 10 in Township 7 south, of Range 3 east, Mount Diablo Base and Meridian, thence running east 1900 feet more or less to a six-inch post in the center of a stone mound, thence in a southwesterly direction along a post-and-wire fence 1500 feet more or less to a point in the western boundary of Section 10, distant 1250 feet more or less south from the point of commencement; thence north along said western boundary of said Section 10, 1250 feet more or less from the point of commencement, being a triangular piece of land, containing about thirty acres.

II. Said parties of the second part agree and promise to pay for said land to the party of the first part the sum of one dollar in lawful money of the United States.

III. The said party of the first part agrees that upon acquiring the United States patent or title to said land and upon payment to him of the said sum of one dollar, he will convey the said real property and deed to the said parties of the second part, their successors and assigns, in trust for the purposes and uses expressed in paragraph third of

Trust  
provision

the trusts specified in that certain deed of trust made by James Lick to Richard S. Floyd et als, dated September 21st, 1875, and recorded in the office of the County Recorder of the City and County of San Francisco, State of California, in Liber 810 of Deeds, at pages 26 et seq., and also recorded in the said County of Santa Clara.

The said land, when so conveyed, shall be free from all liens and incumbrances.

Witness the hands and seals of the parties hereto this thirtieth day of March, A.D. 1886.

R. F. MORROW,  
R. S. FLOYD,  
CHARLES M. PLUM,  
E. B. MASTICK,  
GEORGE SCHÖNEWALD.

**Assignment** For value received, we, Richard S. Floyd, Charles M. Plum, Edwin B. Mastick, and George Schönewald, as Trustees of "The James Lick Trust" hereby sell, assign, transfer and set over unto the Regents of the University of California the within agreement whereby Robert F. Morrow agreed to sell and convey to us when he shall have acquired the United States title, the real property in said agreement described, and all our right, title and interest therein and thereto, subject only to the payment in said agreement required by us to be made to him.

This assignment is without any covenant express or implied on the part of the assignors.

#### 6.—James Lick Endowment.

*Investment of Lick Observatory Fund.* The Law Committee report that in their judgment it is necessary that the investment of the surplus of the \$700,000 turned over to the Regents by the Board of Trustees of the Lick Trust should be made in "good and safe interest-bearing bonds" of a public character, and not in private securities. The

examples of investment, as given in the trust deed of Mr. Lick, are "bonds of the United States, or of the City and County of San Francisco." Your committee are of the opinion that these are significant upon the point that the donor had in his contemplation only public, as distinguished from mere private securities. [Adopted, November 13, 1888.]

### CHAPTER III.

#### SEARLES TRUST.

##### Gift of Property by Edward F. Searles.\*

Edward F. Searles to Regents of the University of California.

This indenture, made this twenty-seventh day of February, in the year of our Lord one thousand eight hundred and ninety-three, between Edward F. Searles of Methuen, County of Essex, State of Massachusetts, the party of the first part, and the Regents of the University of California, a corporation under the laws of the State of California, the party of the second part,

Witnesseth: That the said party of the first part does by these presents donate and grant, convey and confirm unto the said party of the second part all that certain lot, piece, or parcel of land situate, lying, and being in the City and County of San Francisco, State of California, and bounded and particularly described as follows, to wit: Beginning at the southeasterly corner of California and Mason streets; thence southerly along the easterly line of Mason Street two hundred and seventy-five (275) feet to Pine Street; thence easterly along the northerly line of Pine Street two hundred and six (206) feet three (3)

\* All the documents relating to this gift were printed in the SECRETARY'S REPORT for 1893, pp. 43 ff. See also "Mark Hopkins Institute of Art" in Part VI.

inches; thence northerly on a line parallel with said Mason Street two hundred and seventy-five (275) feet to California Street; and thence westerly along the southerly line of California Street two hundred and six (206) feet three (3) inches to the place of beginning. Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof. To have and to hold all and singular the said premises, together with the appurtenances, unto the said party of the second part forever, upon the following trusts, terms and conditions:

Trusts and  
conditions

*First*—For the exclusive uses and purposes of instruction and illustration of the fine arts, music, and literature, or any of them, including the maintenance of galleries, reading-rooms, and other suitable means of such instruction and illustration.

*Second*—The property shall be forever known and designated as "The Mark Hopkins Institute of Art."

*Third*—The said property hereby conveyed shall be inalienable by said grantee either by way of grant or mortgage, and in case of any breach or violation of this provision or of the trusts, terms, and conditions hereinbefore specified, or any of them, or whenever the property hereby conveyed cease to be wholly or exclusively used for the purposes hereinabove expressed, the same and every part thereof, with all improvements and appurtenances, shall revert to and become vested in the above named donor, Edward F. Searles, his heirs and assigns.

Reversion

In Witness Whereof, the said party of the first part has hereunto set his hand and seal, the day and year first above written.

EDWARD F. SEARLES.

[Duly attested.]



## CHAPTER IV.

## FLOOD ENDOWMENT.

This indenture, made the thirtieth day of September, in the year of our Lord one thousand eight hundred and ninety-eight, between Cora Jane Flood, of the City and County of San Francisco, State of California, the party of the first part, and the Regents of the University of California, a corporation, the party of the second part,

Witnesseth: That the said party of the first part, for and in consideration of the deep interest which the said party of the first part has in and for the prosperity and advancement of the University of California, as also for the better maintenance thereof, does by these presents give, grant, alien, and confirm unto the said party of the second part, and to its heirs and assigns forever, four thousand shares of the capital stock of the Bear Gulch Water Company, a corporation, and also all those certain lots, pieces, or parcels of land situate, lying, and being in the County of San Mateo, State of California, and bounded and described as follows, to wit. \* \* \* \*

[The deed of gift is printed in full in the SECRETARY'S REPORT for 1899, pp. 72 ff.]

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To have and to hold, all and singular the said property and premises, together with the appurtenances, unto the said party of the second part, its successors and assigns forever, subject nevertheless to the terms and conditions following, to wit:

*First*—The residence now standing on said premises and the ornamental grounds surrounding the same shall be held

Conditions

and kept in good order for fifty years from and after the date thereof.

[NOTE: The residence and ornamental grounds were sold to Miss Flood in 1903.]

*Second.*—The net income from said property or from the proceeds thereof shall be devoted to some branch of commercial education, as the party of the second part may determine.

In Witness Whereof, the said party of the first part has hereunto set her hand and seal, the day and year first above written.

CORA JANE FLOOD.

[Duly executed.]

#### CHAPTER V.

#### SUTRO GIFT.

##### 1.—Deed to the Regents of the University of Land Donated by Hon. Adolph Sutro.

This Indenture, made and entered into on this the 8th day of October, in the year of our Lord one thousand eight hundred and ninety-five, between Adolph Sutro, of the City and County of San Francisco, State of California, party of the first part, and the Regents of the University of California, party of the second part.

Witnesseth: Whereas, an Act entitled "An Act appropriating two hundred and fifty thousand dollars for the erection of buildings for the use of affiliated and other departments of the University of California" was duly passed by the Legislature of the State of California, and approved on the 23d day of March, 1895, by the Governor, which said Act is in words and figures following, to wit:

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

Section 1. The sum of two hundred and fifty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to the Regents of the University of California, to be expended by them in the erection of buildings grouped together on such site in San Francisco as the Regents may select, for the use of the professional and affiliated colleges, to wit: The Hastings College of Law, the Medical Department, the College of Dentistry, the College of Pharmacy, the Biological Laboratory, University Extension Lectures, and other departments of the University of California conducted in San Francisco. And the Controller of State is hereby authorized and directed to draw his warrants for said sum at such times and in such partial payments as he may be requested by said Regents of the University of California, and the Treasurer of the State is hereby directed to pay the same; provided, however, that one half of said sum of two hundred and fifty thousand dollars shall be expended during the forty-seventh fiscal year, and the other half during the forty-eighth fiscal year.

“Section 2. This Act shall take effect and be in force from and after its passage.”

And whereas, Adolph Sutro, party of the first part hereto, has offered to the Regents of the University of California a site for the erection of buildings to be grouped together thereon in compliance with and for the purposes mentioned in said Act, and to be held by the said Regents of the University of California under certain conditions—five in number—hereinafter mentioned, all that certain piece or parcel of land, situate, lying, and being in the said City and County of San Francisco, State of California, particularly described as follows, to wit:

Affiliated  
College site

Commencing at the southeast corner of Fourth Avenue and J Street; thence along the south line of J Street north  $70^{\circ} 19'$  east, eight hundred and ninety-six feet seven and

one-half inches ( $896' 7\frac{1}{2}''$ ) to a point on the west line of First Avenue, if the same were continued in a southerly direction; thence south  $3^{\circ} 15'$  east, being a line in continuation of the west line of First Avenue, seven hundred and eighty-seven feet six inches ( $787' 6''$ ); thence at right angles south  $86^{\circ} 45'$  west, eight hundred and sixty feet ( $860'$ ) to the east line of Fourth Avenue; thence at right angles and following along the east line of Fourth Avenue, five hundred and thirty-three feet ten inches ( $533' 10''$ ) to the point of commencement. Containing an area of thirteen and forty-three thousandths (13.043) acres; the said land aforesaid being herein referred to as the "Affiliated College site."

And the said the Regents of the University of California, party of the second part hereto, have duly accepted and do hereby duly accept the said offer of the said Adolph Sutro, party of the first part, with the said conditions hereto annexed, as aforesaid in that behalf.

The conditions aforementioned, and to the observance of which conditions, and each and every one thereof, the said the Regents of the University of California, party of the second part, hereby—and by their acceptance of this indenture bind themselves, are as follows, to wit:

*First*—That said Affiliated College site is to be devoted  
Conditions exclusively to the use and benefit of the Affiliated Colleges of the University of California, and no building shall be placed thereon which is not necessary or appropriate for collegiate purposes.

*Second*—That all buildings and structures erected thereon shall be, as far as practicable, fire-proof as against fire arising internally or externally, and no dwelling or residence shall be placed on said Affiliated College site, except a building for the use and residence of the janitors, which building shall be, as far as practicable, fire-proof, and so

far removed from the other buildings as to reduce the danger of fire therefrom to a minimum.

*Third*—That no building erected on the said Affiliated College site shall be nearer than twenty-five feet to the southerly prolongation of the westerly line of First Avenue.

*Fourth*—That the College buildings must be erected on said Affiliated College site, and said Affiliated College site and buildings must be used solely for the purposes of Affiliated Colleges of the University of California.

*Fifth*—That work on said buildings mentioned in said Act of the Legislature must be commenced by the party of the second part within six months from the date of these presents, and said College buildings, to the extent of the appropriation heretofore made therefor by said Act, must be completed within five years from the commencement of the work.

And the said "The Regents of the University of California," party of the second part, having duly accepted the said offer of said Adolph Sutro, party of the first part, subject to each and every of the conditions hereinbefore expressed:

Now, therefore, the said Adolph Sutro, party of the first part aforesaid, in consideration of the agreement and promise of the said the Regents of the University of California, party of the second part, to erect the said buildings for said collegiate purposes, and to faithfully keep and observe all and singular the conditions hereinbefore enumerated and set forth, has granted, sold, and conveyed, and does by these presents, grant, sell, convey, and confirm unto the said party of the second part, the Regents of the University of California, the land and premises hereinbefore particularly described, containing the area of thirteen and forty-three thousandths acres of land, together with all and singular the tenements, hereditaments, and appurtenances

thereunto belonging or in any wise appertaining; to have and to hold all and singular the said premises, together with the appurtenances, unto the said party of the second part and their successors forever, subject to the conditions aforesaid; but for breach upon the part of the party of the second part of any of said conditions, the title to the said land hereinbefore described shall revert to and vest in the said party of the first part, his heirs and assigns.

Reversion

In testimony whereof, the said party of the first part has hereunto set his hand and seal at the City and County of San Francisco, State of California, the day and year first in this indenture above written.

ADOLPH SUTRO.

[Duly executed.]

2.—Release by Mr. Sutro.

SAN FRANCISCO, May 2, 1896.

*To the Regents of the University of California:*

To the deed for the Affiliated College site executed by me to the Regents of the University of California, dated October 8, 1895, and recorded in the Recorder's office of the City and County of San Francisco, State of California, on the same day, was attached the condition that work on the College buildings must be commenced within six months and, to the extent of the appropriation therefor, completed within five years from the date of the deed. That condition has not been complied with, inasmuch as the work on the buildings has not been commenced, although six months from the date of my deed to you have elapsed.

This breach in one of the conditions of the deed results in the reversion to me of the title to the site, unless I grant an extension of time within which you were required to commence work.

You have requested that the time provided in the deed for the commencement of the work be extended six months. This extension of six months additional to that set out in the deed I hereby grant you. Extension

Should you fail to commence work within the six months additional—that is, on or before the 8th day of October, 1896—then it is understood that the title of the property reverts to me. All the other terms, conditions, and covenants of the deed heretofore made are continued in full force as therein made.

Very respectfully,

ADOLPH SUTRO.

### 3.—Resolution of Regents.

*Be it resolved*, That in view of the generous donation of the said site for the Affiliated Colleges, heretofore accepted, and the noble plans undertaken and promised by the Hon. Adolph Sutro, as expressed in his letters above set out, for founding and endowing a great public library in connection with said Colleges, this Board does now gratefully accept said undertakings so expressed in said letters; and in consideration therefor will proceed to erect said College buildings upon said site as provided by law, and will earnestly further the design of the Hon. Adolph Sutro in founding and completing the said Library and Library building; Acceptance

*Further resolved*, That this Board take this occasion to express its profound appreciation of the public spirit, devotion to learning, and the good of the commonwealth, so splendidly manifested by the Hon. Adolph Sutro.

[May 19, 1896.]

[A complete account of the negotiations with Mr. Sutro may be found in the SECRETARY'S REPORT for 1896, pp. 85 ff.]

## CHAPTER VI.

## D. O. MILLS ENDOWMENT.

426 CALIFORNIA STREET,  
SAN FRANCISCO, July 7, 1881.

*To the Board of Regents of the University of California:*

Professorship  
of Philosophy

GENTLEMEN: My interest in the institution over which you preside, and a desire to contribute to the benefit and support of good learning, prompt me to propose to you the establishment of a permanent foundation in the nature of a trust fund, of which the income shall be applied to the maintenance, in the University of California, of a Professorship of Intellectual and Moral Philosophy and Civil Polity.

Condition

The sole condition that I shall impose upon this trust and foundation is that the income only shall be devoted exclusively to the support of this professorship, and that any surplus shall be added to the original fund.

While I propose to commit this trust to the keeping of the Regents of the University, confiding in their wisdom to direct it to the promotion of the studies to which it is dedicated, and to the steady increase of human thought and progress, and would limit it by no narrow boundaries of transient opinion, I desire to record my views as to the nature of this professorship, and the character of man who should be called upon to discharge its duties.

The studies included under the general title pertain especially to man, his intellectual, moral, and social being, and can never cease to hold a high place in human learning, nor to have a great influence on human welfare. In the widest and most liberal meaning they underlie laws,



manners, and religion, and in effect form the public opinion of the world; and their teacher should not be one who merely resorts to them, takes them up, or incidentally adopts them, but one of philosophic spirit who shall devote his life to this appropriate field of influence and noble labor. To such a man this professorship offers opportunities limited only by his own genius and devotion.

For the above purpose, I inclose herewith my check for the sum of seventy-five thousand (\$75,000) dollars, and will be obliged if the Board will signify to me their acceptance of the trust.

Hoping that this may result to the advantage of the State and to the University,

I remain, gentlemen, very respectfully,

D. O. MILLS.

## 2.—Resolution of Regents.

*Resolved*, That the Regents of the University of California do accept with the liveliest emotions and the heartiest gratitude, the munificent gift of seventy-five thousand (\$75,000) dollars from D. O. Mills, upon the conditions expressed in his letter received this day, to establish a Professorship of Intellectual and Moral Philosophy and Civil Polity in this University.

*Resolved*, That in recognition of the living interest and broad views of the donor, the professorship thus endowed shall bear the name and title of the Mills Professorship of Intellectual and Moral Philosophy and Civil Polity, and that the wishes of Mr. Mills shall be consulted in the appointment of the first professor.

Title of chair

*Resolved*, That the Finance Committee be instructed to confer with Mr. Mills upon the best means of investing the above endowment fund.

## 3.—D. O. Mills Endowment.

WHEREAS, The D. O. Mills Endowment has reached an amount in excess of \$100,000;

**Permanent Fund** *Resolved*, That the sum of \$100,000 be reserved as a permanent fund in accordance with the terms of the endowment, and that the Chairman of the Finance Committee notify Mr. Mills.

[April 9, 1895.]

## 4.—Addition to Mills Endowment.

SAN FRANCISCO, April 26, 1902.

*To the Board of Regents of the University of California:*

GENTLEMEN: Nearly twenty-one years have elapsed since the founding in the University of the chair known, through your courteous action, as the Mills Professorship of Intellectual and Moral Philosophy and Civil Polity. By your wise administration of the fund which I was able to offer you for the support of the chair and its objects, the fund has itself been increased, and, supplemented by judicious subsidies from your other resources, has become the basis for the present large and successful Department of Philosophy.

Gratified at this result, and aware of the constantly increasing need of a greater income for the objects of the Department, I take pleasure in offering to your Board, as an addition to the present fund of \$100,000, the income of which is devoted to this purpose, the sum of fifty thousand (\$50,000) dollars, for which I inclose my cheque.

**Condition** To this increase of the original foundation I attach no other condition than that imposed upon the original trust in my letter addressed to your Board under date of July 7, 1881, to which I here beg to refer.

I will only add, that, as the present offer is intended to be a real increase of the total resources now applied to the support of the Department of Philosophy, I assume that the annual allowances made from the general fund of your Board in furtherance of the objects of the Department will continue undiminished. Further, I indulge the hope that your Board will second my addition to the original foundation by such increased allowances from your general fund as will insure the continuous growth and improvement of the Department, and a remuneration that will retain the high quality of professional service required in its staff of instruction.

Continuing to believe that the vigorous maintenance of such a Department is among the most important public objects of a University, especially one controlled and supported by the State, I remain, gentlemen,

Very respectfully and cordially yours,

D. O. MILLS.

##### 5.—Resolution of Regents.

*Resolved*, That the Regents of the University of California accept, with the strongest sense of their increased debt of gratitude, the superb additional gift of fifty thousand (\$50,000) dollars from their honored fellow-citizen and former colleague, D. O. Mills, upon the conditions implied in his letter of April 26, 1902, this day received: to wit: to apply thereof the interest only to the exclusive support of the Mills Professorship and its proper objects, as the latter are expressed in the several branches of the Department of Philosophy established in the University through his original foundation of July 7, 1881.

*Resolved*, That in expressing to Mr. Mills their heartfelt thanks for this fresh exhibition of his public spirit, the Regents assure him that they will cordially coöperate with

him in the aims for which he has thus increased his foundation; and that they will seek so to administer the fund in the development of the Department of Philosophy as shall fulfill the purposes expressed in his letter.

[May 12, 1902.]

## CHAPTER VII.

### JANE K. SATHER ENDOWMENTS.

WHEREAS, Jane K. Sather has offered certain gifts to this corporation for certain purposes and trusts and upon certain conditions by a written communication in the following language:

"SAN FRANCISCO, CAL., October 9, 1900.

*"To the Regents of the University of California:*

"GENTLEMEN: As a resident of the State of California, and one who is deeply interested in its welfare, I am desirous of encouraging and assisting the work of liberal education which is now being carried on by the University of California. For this purpose I offer you the following property:

"Cash .....	\$28,000.00
"One hundred shares of the stock of the San Francisco National Bank and two hundred shares of the Sather Banking Company stock, of the value of.....	20,000.00
"One hundred shares of the stock of the Fireman's Fund Insurance Company, of the value of.....	21,000.00
"Real estate in the town of Ashland, Oregon, of the value of .....	6,000.00
"Total.....	\$75,000.00

"This property I offer you as a corporate body upon the following conditions and for the following purposes:

"That it, or its proceeds, be held by you as a separate and perpetual fund, the income whereof shall be paid to me quarterly during my life, and after my death shall be

devoted by you to the perpetual support, maintenance, and equipment of such chair in a department of classical literature at the University of California as you in your discretion see fit to establish for this purpose, such chair to be known as the Jane K. Sather Chair, and such fund as the Jane K. Sather Chair Fund. You are to have the full and unrestricted rights of control, disposition, and ownership of the property constituting such fund, having in mind always the purpose of maintaining a perpetual fund properly invested so as to yield an income for the purposes heretofore mentioned.

"I also offer you the following real property in this State:

"First—The premises in the City of Oakland forming the northwest corner of Jefferson and Ninth streets, with a frontage of seventy-five feet on Ninth Street and one hundred feet on Jefferson Street.

"Second—The premises in the City of Oakland on the west side of Broadway, thirty-four feet north of Delger Street, with a frontage of thirty-three feet and a depth of one hundred and thirteen feet six inches.

"Third—The premises in the City of Oakland on the westerly side of Broadway Street one hundred feet north of Delger Street, with a frontage of fifty feet and a depth of one hundred feet.

"Fourth—The premises in the City of Alameda on the easterly side of Park Street, fifty feet south of Webb Avenue, with a frontage of fifty feet and a depth of approximately one hundred feet.

"This property I offer to you as a corporate body upon the following terms and conditions:

"That you have the full and unrestricted rights of control, disposition, and ownership of this property, or the proceeds of it, but that during my life you are to hold it,

or the proceeds of it, as a separate fund and keep the same invested according to your discretion so as to yield as large and steady an income as is possible consistently with safe investment and pay the income to me quarterly. After my death, so much of said property, or the proceeds of it, as amounts in your judgment to the sum of ten thousand dollars (\$10,000.00), shall be by you set aside and held as a separate and perpetual fund to be known as the Jane K. Sather Law Library Fund, the income whereof shall be devoted by you to the perpetual support of a law library at the University of California by way of the purchase of law books and publications.

Law Library  
Fund

"In case any of said property, or the proceeds thereof, remains after setting aside therefrom the fund just mentioned, such remainder shall, up to the amount of ten thousand dollars (\$10,000.00), be expended by you in the purchase of law books and publications for the purpose of establishing, adding to, or maintaining a law library at the University of California. The times and occasions for expending this sum, or any portion or portions of it, shall be entirely within your discretion, and waiting the proper time and occasion for such expenditures you shall have the right to invest and accumulate the said sum, or the property representing it. Each book or publication purchased with these gifts, or the proceeds thereof, shall be plainly stamped with a suitable device expressing that the same has been purchased with funds donated by me to the University of California.

Remainder for  
law books

Books to be  
stamped

"In case any of said property, or the proceeds thereof, remains after setting aside the two foregoing sums of ten thousand dollars (\$10,000.00) each, then such remainder shall be devoted by you in such manner and at such times as you deem best to the advancement and support of the teaching of law at the University of California, in which case I ask you to take such means of permanently acknowledging this gift as you may deem advisable.

Further  
remainder for  
teaching law

"Upon receiving word from you of your acceptance of these gifts upon the conditions and for the purposes set forth, I will deliver to such officer as you may designate to receive the same, and give a receipt therefor in your name and on your behalf, proper instruments of transfer to you of the property specified.

"With the sincere and deep hope that these gifts may be a source of great good to the University, and through it to the State, I remain,

"Yours very respectfully,

"JANE K. SATHER."

AND WHEREAS, It is deemed for the best interests of the University to accept this very generous offer:

*Now, therefore, be it resolved*, That said offer be and is hereby accepted by this corporation, and that the property offered be taken, received, held, managed, and invested, and the proceeds thereof used, bestowed, and applied by this corporation for the purposes and trusts and upon the conditions prescribed in said communication, and that the President of the University and the Secretary of this corporation be authorized in its behalf to receive the property so offered and the instruments of transfer and evidences thereof, and to give a receipt therefor in the name of this corporation and under its seal, specifying that the said property is accepted by this corporation upon the conditions and for the purposes and trusts specified in the said communication. Acceptance

*Be it further resolved*, That the President of the University and the Secretary of this corporation be directed and authorized to transmit to Mrs. Sather a communication in the behalf of this corporation and under its seal informing her of the acceptance of her offer, embodying these resolutions.

[October 9, 1900.]

## 2.—Communication from Mrs. Sather.

The following communication from Mrs. Jane K. Sather was submitted to the Board:

Property in  
Ashland,  
Oregon

"In October, 1900, I conveyed to you certain properties upon certain conditions and for certain purposes set out in my letter of acceptance of October 9, 1900. Among the properties so conveyed was certain land used as a residence in Ashland, Oregon. I was at the time occupying the place as a summer home, and because of this it seemed best that I should retain the legal control of it during my life. Accordingly the conveyance to you of this property reserved in me a life estate, while the conveyances of the other property were absolute. I have since given up any intention of personally occupying the place again and there is, therefore, no longer any reason why I should retain any legal estate in the property. I am informed that if the title remains as it is now some expense and trouble will be necessary at my death in order that the record may show that my estate has come to an end and that you are the full owners. In order to avoid this expense and trouble I enclose an absolute deed of the property to you. You are, of course, to hold the property upon the conditions and for the purposes specified in the letters mentioned. One of those conditions is that you are to pay me the income of the property, or its proceeds, during my life. This deed does not really change the relations between us in regard to this property, but simply avoids the necessity of any proceedings at the time of my death.

"I would also say that in my opinion it is advisable to sell this property and the property on the corner of Ninth and Jefferson Streets in the city of Oakland, if a price can be obtained that is at all proportionate to the income those properties yield. \* \* \* I would suggest that you ascertain what price can be obtained for those properties and that



you sell them if a reasonable price can be obtained. I would ask you, however, to advise me before finally concluding a sale."

[Accepted April 8, 1902.]

### 3.—Jane K. Sather Library Fund.

OAKLAND, CALIFORNIA, October 27, 1900.

*Benjamin Ide Wheeler,*

*President of the University of California.*

MY DEAR SIR: I give and deliver to you as representative of the University of California the following duly endorsed notes \* \* \* \$5000, \* \* \* \$5000 \* \* \* with collateral, Certificates \* \* \*

This gift is for the establishment of a fund, the income of which is to be used for the purchase of books for the library of the University of California. The gift of these two notes is absolute and I shall hope to receive a formal acknowledgment of this gift from the Regents of the University whenever it shall be convenient.

Yours very sincerely,

JANE K. SATHER.

Jane K. Sather  
Library Fund

## CHAPTER VIII.

### TOMPKINS ENDOWMENT.

*To the Regents of the University of California:*

\* \* \* \* I have prepared, and now offer for your acceptance, a deed of about forty-seven acres of land, with good title and free from incumbrance, at the junction of Broadway and University Avenue, Oakland, upon the following terms and conditions:

You shall forthwith establish, and as soon as practicable, fill a professorship of Oriental Languages and Literature in the University of California, with the same salary as the other regular professorships.

Purpose

You shall take possession of the land conveyed by me, and sell the same as rapidly as it can be done judiciously, until you shall have sold the whole, or enough thereof to produce the sum of fifty thousand dollars in gold coin. All the money so realized shall be set apart as an Endowment Fund for said professorship. It shall never be mixed with other funds of the University, or loaned in whole or in part to any other fund, or to the University itself, in any manner or on any pretext whatsoever. It shall be kept invested in mortgage securities upon unincumbered productive real estate within the limits of the present County of Alameda. If the income shall exceed the salary of the professor, the surplus shall be added to the principal, to provide as far as possible for the time when the rates of interest will be lower than they now are. \* \* \*

Principal

Investment

Surplus

The salary of said professor, until the same can be paid from the income of said endowment fund, and all expenses of the execution of this trust or of the investment or reinvestment of the fund, shall be paid by the Regents, and no money thus paid, whether for salary or expenses, shall be deducted from said fund, or the subsequent income thereof, it being the intention hereof that neither said fund or the current income thereof shall ever be diminished by any claim for advances made on its account, on any pretext whatsoever. If said professorship shall not be kept up, or the conditions hereinbefore stated shall not be complied with, said land, or so much thereof as has not been sold, and the proceeds of all that has been sold, shall forthwith revert to me, my heirs or assigns, and shall be conveyed or payed over by said Regents without delay.

Reversion

Title

As a recognition of the debt of humanity to the great and good man now honoring our State with his presence, the said professorship shall be known as the "Agassiz Professorship of Oriental Languages and Literature."

As the department thus organized will at first not be fully employed, I hope that it may also be utilized for the

education of such young men as may come here for that purpose from Asia, upon such terms and under such restrictions as the Regents may prescribe. \* \* \*

EDWARD TOMPKINS.

OAKLAND, Sept. 18, 1872.

CHAPTER IX.

LAST WILL AND TESTAMENT OF  
J. CLUTE WILMERDING.\*

I, J. Clute Wilmerding, of the City and County of San Francisco, State of California, being of sound and disposing mind and memory, and realizing the uncertainty of human life, do make, publish, and declare this my last will and testament, in the manner following, that is to say: \* \* \*

*Sixth*—I give, devise, and bequeath to the Regents of the University of California the sum of four hundred thousand (\$400,000) dollars, upon the following trusts and conditions, to wit:

To establish and maintain a school, to be called "The Wilmerding School of Industrial Arts," to teach boys trades, fitting them to make a living with their hands, with little study and plenty of work.

Condition

Said Regents are empowered to purchase lands and erect thereon suitable workshops and places of instruction, and to equip the same with such machinery, tools, and implements as in their judgment may be necessary and proper; but I suggest to them that the expenditure for the purchase of said lands, and the construction and equipment of said workshops and places of instruction, be kept within such bounds as that the portion of said four hundred thousand (\$400,000) dollars thereafter remaining shall be able to produce an income sufficient to forever maintain

\* The complete will is printed in SECRETARY'S REPORT for 1894, pp. 118 ff.

and support said school. Said Regents are authorized to invest the portion of said fund which shall remain after the purchase of said land and the erection and equipment of said workshops and places of instruction, in bonds, mortgages, or other interest-bearing securities, but no portion of said fund, or of the income which may be derived therefrom, shall be used for or diverted to any purpose other than for the support and maintenance of said school. \* \* \*

Restriction

In Witness Whereof, I have hereunto set my hand and seal this eighth day of February, in the year of our Lord one thousand eight hundred and ninety-three.

J. CLUTE WILMERDING.

[Duly executed.]

#### CHAPTER X.

##### BEQUEST OF MICHAEL REESE.

I give and devise to the corporation known as the Regents of the University of California fifty thousand dollars, to be by them invested in the founding and maintaining a library, to be known and called the Reese Library of the University of California.—[From Will of Michael Reese.]

Reese Library

#### CHAPTER XI.

##### LAST WILL AND TESTAMENT OF CHARLES M. HITCHCOCK.

In the name of God. Amen.

I, Charles M. Hitchcock, of the City and County of San Francisco, State of California, being of sound and disposing mind and memory, do make, publish, and declare my last will and testament, in manner and form following, to wit: \* \* \*

I do give, bequeath, and devise all the rest and residue of my estate, real, personal, and mixed, wherever the same may be situate, unto my executors hereinafter named, upon the terms, trusts, and conditions herein expressed.

That is to say:

1stly—During the present coverture of my daughter, Eliza W., the wife of B. Howard Coit, now residing in the City of San Francisco, that they shall pay to my said daughter Eliza W., out of the income of said estate, the sum of two hundred and fifty dollars per month, during the life of her present husband, for her sole and separate use and support, to be free and clear of all control, dominion, or interference of her said husband, his assignees, or creditors. I hereby invest my said executors with the power and discretion to increase this monthly allowance to my daughter to a sum not exceeding the income, if they shall be satisfied that such increase is necessary for her decent maintenance, or the support of any child or children she may have by said Coit, but not for the use, benefit, or advantage in any manner of her said husband. If all of the income is not paid to her, the remainder thereof shall be invested, and become and be treated as a part of the principal of said estate.

2ndly—That should my said daughter, Eliza W., survive her present husband, that they pay to my said daughter all the income from said estate, for and during her natural life.

3rdly—Should my said daughter have a child or children by her present or any future husband, and such child or children survive my said daughter, that they (my said executors, either as such or as trustees), shall hold said estate for the use and benefit of such child; or if more than one of such children, share and share alike. Should such child or children be the offspring of the present marriage of my daughter, then and in that case my said executors or trustees shall hold said estate in their hands until after the

death of said B. Howard Coit; and after his death the same shall be paid to, or transferred or conveyed to, such child then living, or its guardian, or to such children then living, share and share alike, or their respective guardians, in fee simple.

4thly—In the event of the death of my said daughter, without leaving issue her surviving, all that portion of my estate herein devised and bequeathed for her benefit shall be held by my executors or trustees, in trust, one fourth part thereof to be divided equally between my brother, Josiah H. Hitchcock, and my sister, Sarah A. Culbertson. To have and to hold to them, their heirs and assigns, one fourth to be paid or transferred or conveyed to the University of Maryland, for the benefit of the medical department thereof, and the other half thereof to be used by my executors or trustees, to establish a professorship in the

Professorship University of California for free lectures upon scientific and practical subjects, but not for the advantage of any religious sect, nor upon political subjects, in payments to be made by my executors or trustees to my daughter; her sole and separate receipt therefor, without her husband joining therein, and without any legal or formal acknowledgment thereof. shall be the only sufficient acquittance to them therefor. \* \* \*

In Testimony Whereof, I hereto sign my name and affix my seal, this twenty-seventh day of August, 1872.

C. M. HITCHCOCK.

\* \* \* I, Charles M. Hitchcock, of the City and County of San Francisco, State of California, being of sound and disposing mind and memory, do make, publish, and declare the following to be a codicil to my last will and testament, executed, published, and declared on the twenty-seventh day of August, A.D. 1872. \* \* \*

I do hereby revoke the power and authority given to my executors or trustees, in the fifth clause of my said will

to increase the monthly allowance of my daughter, Eliza W. Coit, over and above the sum of two hundred and fifty dollars per month, during the life of her husband, B. Howard Coit, and during the life of her said husband, I do direct that she be allowed no greater sum than two hundred and fifty dollars per month. \* \* \*

In Witness Whereof, I hereby sign my name this tenth day of October, 1881.

C. M. HITCHCOCK.

[Duly executed.]

## 2.—Resolution of Regents.

*Be it resolved by the Regents of the University of California*, That it is for the best interests of said University to sell and convey all the remainder or reversion in fee simple of said University in and to all of the property of the estate of Charles M. Hitchcock, deceased, situated in the City and County of San Francisco, State of California; in the County of Napa, State of California; in the counties of Macon and Graham, State of North Carolina; and near Cold Springs, in San Jacinto County, State of Texas; or elsewhere situated, which said University is or may become entitled to under and by virtue of the last will and testament of said decedent, which said last will and testament was admitted to probate by the Superior Court of the State of California in and for the County of Napa, on the 27th day of April, A.D. 1885; and be it further

*Resolved*, That whereas, Eliza W. Coit, of the City and County of San Francisco, State of California, has offered the said Regents the sum of seven thousand five hundred (7,500) dollars for said property, Henry T. Gage, President, and W. A. McKowen, Acting Secretary, of said Regents of the University of California, be and they are hereby authorized and directed to make, execute, acknowledge, and deliver to the said Eliza W. Coit, for and on

behalf of the Regents of the University of California, and as its act and deed, a grant, bargain, and sale deed of conveyance of all of the remainder or reversion in fee simple of said University in and to all of said property, and said Acting Secretary is hereby authorized and directed to affix its corporate seal thereto.

[The deed is printed in SECRETARY'S REPORT for 1901, p. 64.]

[April 9, 1901.]

## CHAPTER XII.

### LAST WILL AND TESTAMENT OF GEORGE MOREY RICHARDSON.\*

I, George Morey Richardson, of Berkeley, Alameda County, State of California, make this my last Will and Testament: \* \* \*

*Second*—I give and devise to The Regents of the University of California, two lots or parcels of land, situated in the Highland Tract, Oakland Township, Alameda County, State of California, to expend the income therefrom or from the proceeds thereof, when sold, for an annual prize known as the "Richardson Latin Translation Prize," to be awarded undergraduates of the University of California for the best translation of classical English into Ciceronian Latin. \* \* \*

Richardson  
Latin  
Translation  
Prize

*Sixth*—I give to the Regents of the University of California my books stored in cases with Sherwood & Sherwood, Market Street, San Francisco, California, and also the case with its contents, stored in the library of the University of California, marked "C," and two corded packages and contents stored in the same place, all for the library of said institution. \* \* \*

\* Printed in full in SECRETARY'S REPORT for 1897, p. 131.



*Eighth*—I give my personal effects stored with Baum, Dwight Way, Berkeley, California, to the Regents of the University of California, for the benefit of the Latin Department of said institution. \* \* \*

In Witness Whereof, I have hereunto set my hand and seal at Hartford, in the State of Connecticut, this 16th day of May, 1896.

GEORGE MOREY RICHARDSON.

[Duly executed.]

### CHAPTER XIII.

#### LAST WILL AND TESTAMENT OF HERMAN ROYER.\*

I, Herman Royer, a single man about forty-two years of age, of sound and disposing mind and memory, do hereby make, publish, and declare this to be my last will and testament, in the manner following, to wit: \* \* \*

*Sixth*—All the rest and residue of my property and estate I do hereby give, devise, and bequeath unto the University of the State of California for the sole purpose of founding a professorship of "Political Economy," and for no other purpose whatever. If the said gift and devise shall for any reason fail, the same shall revert to my next of kin. \* \* \*

Professorship  
of Political  
Economy

In Testimony Whereof, I have hereunto set my hand and seal, in the City and County of San Francisco, State of California, this twenty-first day of May, A.D. 1879.

HERMAN ROYER.

#### 2.—Resolution of Regents.

The funds devised to the University by Herman Royer, deceased, together with such other funds as are now available for that purpose, or may become available here-

\* Printed in full in SECRETARY'S REPORT for 1899, p. 118.

after, in aid of founding a Professorship of Political Economy, shall be invested so as to produce an income; and no part of the principal funds so invested shall ever be expended.

[October 12, 1897.]

#### CHAPTER XIV.

#### EXTRACT FROM WILL OF HAROLD WHITING.

*Fourth*—I give and bequeath to Frank Brewster and Henry Wheeler the sum of eighty thousand dollars (\$80,000), in trust for the following purposes, namely:  
\* \* \*

(3) If there should be no issue of mine living at the death of my wife, should she survive me, or at my death, should I survive her, then I direct my said trustees to pay over the principal of said trust fund in fee as follows, namely: \* \* \*

Whiting Fund  
for Physics  
Department

Another fourth part thereof to the Regents of the University of California, for the purpose of using the net income of said fund for the benefit of the Physical Department of said University; requesting, but not directing, said Regents to pay over the net income of said fund to the head of said Department, to be expended by him in his discretion; said fund to be known as the Whiting Fund.

## CHAPTER XV.

## GIFT OF MR. H. WEINSTOCK.

SACRAMENTO, CAL., May 12, 1902.

*To the Regents of the University of California:*

GENTLEMEN—I hereby beg to hand you a certificate of shares of preferred stock of the Weinstock-Lubin Real Estate Company to the value of five thousand dollars, as a fund for the establishment of a lectureship on a plan somewhat similar to that of the Ingersoll Lectures of Harvard College: that is—one lecture to be delivered each year, on such day as may be designated by the President of the University, on this subject: "The Morals of Trade;" said lecture not to form a part of the usual College course, nor to be delivered by any professor or tutor as part of his usual routine of instruction, though any such professor or tutor may be appointed to such service. The choice of said lecturer is not to be limited to any profession or vocation, but may be that of either a professional or business man; the appointment to take place at least six months before the delivery of said lecture. Not to exceed one-half the annual income of said shares of stock may be paid to the lecturer for his services, the remainder to be expended in the publication and gratuitous distribution of the lecture, a copy of which is always to be furnished by the lecturer for such purpose. The same lecture to be known as "Barbara Weinstock Lecture on the Morals of Trade."

Lectureship  
on Morals of  
Trade

Yours truly,

H. WEINSTOCK.

## 2.—Resolution of Regents.

*Resolved*, That the gift made by Mr. Weinstock be gratefully accepted by the Board of Regents and applied to the purpose indicated by him.

Acceptance

[May 12, 1902.]

## CHAPTER XVI.

## FROM THE WILL OF F. L. A. PIOCHE.

I give and bequeath to the University of California, known by the name of "Board of Regents of University," an establishment situate and about to be founded in the County of Contra Costa, State of California, all the paintings, sketches, engravings, drawings, and objects of art belonging to me, and which at the time of my death will be found [at the time of my death] at my house in San Francisco, at New Almaden, or elsewhere in the State of California. I also give and bequeath to said University all the books and various works, composing my library at San Francisco, and at New Almaden, as also everything that constitutes my mineralogical, geological, and conchological collection in San Francisco, State of California.

Conditions

These collections are partially classed, and a catalogue is partially made. I desire that they should be placed in a special portion of the buildings erected or to be erected for the said University, and that the room or place reserved for them be open to the public freely, and at fixed and frequent periods, as is the case with the museums in Europe, so that students and patrons of the arts and sciences may there instruct themselves and increase the sphere of their studies and their knowledge of facts that may be of use to hasten the progress and development of this country. In order the better to facilitate the execution of this wish of mine, I make a donation of five thousand dollars, which will be paid by my testamentary executors to the Treasurer of the said University, in gold coin of the United States, and placed at the disposal of the Regents and Trustees, to cover the first cost for arranging and preserving them—the objects composing the bequest and present made by me to the University of California.

## CHAPTER XVII.

**GIFT OF LAND IN UKIAH BY THE INTERNATIONAL  
GEODETIC ASSOCIATION.**

TREASURY DEPARTMENT,  
U. S. COAST AND GEODETIC SURVEY,  
WASHINGTON, January 4, 1900.

*President* BENJ. IDE WHEELER, *University of California*:

MY DEAR SIR:—The International Geodetic Association, of which the United States is a member, undertook, as you doubtless know, during last year a series of continuous observations for the variations of latitude in different parts of the earth.

For this purpose, it has established observatories on the same parallel at six different places. Two of these stations are in the United States—one at Gaithersburg, Md., and the other at Ukiah, Cal. The association has purchased a lot of about two acres in Ukiah, upon which it has erected the small observatory and a living house for the observer. When the land was purchased, it was discovered that the laws of California did not permit the conveyance of the title to such a body as the International Geodetic Association, and the title has been made out in my name for the time being.

I have suggested to Dr. Helmert, the Director of the International Geodetic Association, that this land should be conveyed in trust to the University of California for the purposes of the Association during the time that it shall continue to use the property, which, probably, will not be more than ten years, and that when the Association shall no longer need the property, it shall be available for the use of the University.

I shall be glad to know whether the University would accept the property in trust for the purposes now in use, and if so, what procedure I should begin to convey the title.

I regret that I did not have the pleasure of seeing you in California during August and September which I spent in San Francisco, and congratulate you on the auspicious future which the University is, doubtless, about to enter under your direction.

I am, very truly yours,

HENRY S. PRITCHETT,  
Superintendent.

The President of the University was authorized to execute, on behalf of the Board of Regents and under the advice of the Attorney of the Board, all papers necessary to make an arrangement substantially as proposed by the Geodetic Association.

[January 25, 1900.]

#### CHAPTER XVIII.

#### BERKELEY HOSPITAL ASSOCIATION.

At the meeting of the Board held December 9, 1902, resolutions of the Berkeley Hospital Association, offering to transfer to the Regents the sum of \$1865.25, the balance of all funds held by the officers of the association, together with a communication from the Prytanean Society offering an additional \$666.53 if the Board accepts the money from the Hospital Association, was referred to this Committee. We recommend that both of these sums be accepted and used for the purposes specified in the communications, but with the understanding that the Regents will not accept any responsibility for the erection and equipment of a hospital.

Acceptance

[Report of the Finance Committee; concurred in June 9, 1903.]

## CHAPTER XIX.

DEEDS OF LAND FOR USE OF AGRICULTURAL  
EXPERIMENT AND FORESTRY STATIONS.

## 1.—Tulare.\*

This indenture, made this eighth day of June, 1888, between James L. Gould, of Placer County, California, and B. F. Moore, of Tulare County, California, parties of the first part, and "The Regents of the University of California," a corporation, party of the second part, witnesseth: That the said parties of the first part, for and in consideration of the sum of five dollars, gold coin of the United States of America to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do, by these presents, grant, bargain and sell, convey and confirm unto the said party of the second part, and to its successors and assigns, forever, all that certain lot, piece, or parcel of land, situate, lying, and being in the County of Tulare, State of California, and bounded and partially described as follows, to wit: \* \* \* To have and to hold, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns, forever, upon condition that the same shall always be held as an "Agricultural Experiment Station," under and pursuant to the provisions of law therefor, and if said land shall cease to be occupied and used continuously for said specified purposes, according to the true intent and meaning of the organic Act establishing this and other Agricultural Experiment Stations, then the same shall revert to the said parties of the first part, their heirs and assigns.

Condition

Reversion

\* Printed in full in SECRETARY'S REPORT for 1889, p. 151.

In Witness Whereof, we have hereunto set our hands and seals the day and year above written.

J. L. GOULD.

B. F. MOORE.

[Duly attested.]

See above p. 48.

## 2.—Chino.\*

This indenture, made this fourteenth day of August, 1890, between Richard Gird, of Chino, San Bernardino County, California, the party of the first part, and "The Regents of the University of California," a corporation, party of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of five dollars, lawful money of the United States of America, to him in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does, by these presents, grant, bargain and sell, and convey and confirm unto the said party of the second part, and to its successors and assigns forever, all those certain lots, pieces, or parcels of land situate, lying, and being in the county of San Bernardino, State of California, being portions of the Rancho Santa Ana del Chino, and bounded and particularly described as follows, \* \* \* and the party of the first part also grants, bargains and sells, and conveys and confirms unto the party of the second part three inches of water, delivered in pipes on the northeast corner of the tract hereby conveyed in said section thirty-four (34), township one (1) south, range eight (8) west, San Bernardino meridian; together with all and singular the said premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns forever, upon condition that the same shall always be held as an "Agricultural Experiment Station," under and pursuant to the provisions of the law therefor; and if

Condition

\* Printed in full in SECRETARY'S REPORT for 1891, p. 29.



said land and water shall cease to be occupied and used continuously for said specified purposes, according to the true intent and meaning of the organic Act establishing this and other Agricultural Experiment Stations, then the same shall revert to the said party of the first part, his heirs and assigns. Reversion

In Witness Whereof, I have hereunto set my hand and seal the day and year above written:

RICHARD GIRD.

[Duly attested.]

### 3.—Chico.\*

WHEREAS, The State Board of Forestry purposes to establish an experimental forest station at or near Chico, County of Butte, State of California, occupying and properly improving the same as such, including the avenue along the lumber flume leading thereto; Purpose

WHEREAS, John Bidwell purposes to donate to the State of California a tract of land for the purpose of establishing said station, including the right of way (that is to say, via said avenue leading from the town of Chico thereto);

Now, therefore, this indenture, made this second day of December, A.D. 1889, by and between John Bidwell, the party of the first part, and the State of California, the party of the second part,

*Witnesseth:* That the said party of the first part hereby grants to the party of the second part all that certain tract of land situate in the county of Butte, State of California, described as follows, to wit: \* \* \*

To have and to hold the said premises, together with the appurtenances, unto the said party of the second part, its successors forever.

In Witness Whereof, the grantor has hereto set his hand and seal this second day of December, A.D. 1889.

JOHN BIDWELL.

[Duly attested.]

## 4.—Santa Monica.\*

WHEREAS, The State Board of Forestry purposes to establish an experimental station, at or near Santa Monica, in the county of Los Angeles, State of California; and

Purpose

WHEREAS, John P. Jones and Arcadia B. de Baker purpose to donate to the State of California a tract of land for the purpose of establishing said station;

*Now, therefore,* this indenture, made this 27th day of August, A.D. 1889, by and between John P. Jones and Arcadia B. de Baker (wife of Robert S. Baker), the parties of the first part, and the State of California, the party of the second part,

*Witnesseth:* That the said parties of the first part hereby grant to the party of the second part all that certain tract of land situate in the county of Los Angeles, State of California, described as follows, to wit: \* \* \*

Restriction

To have and to hold the said premises, together with the appurtenances, unto the said party of the second part, its successors forever; provided, that no water rights of Rustic Cañon shall be included in this conveyance, and the parties of the first part shall have the right of way for water pipe and wagon road across said land.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals, the day and year first above written.

JOHN P. JONES,  
By WALTER VAN DYKE,  
His attorney in fact.  
ARCADIA B. DE BAKER,  
By ROBERT S. BAKER,  
Her attorney in fact.

[Duly attested.]

## CHAPTER XX.

## THE PHEBE HEARST ARCHITECTURAL PLAN.

PALACE HOTEL, October 22, 1896.

*Regent J. B. Reinstein,*

DEAR SIR: Referring to the conversation which I had last week with yourself and Professor William Carey Jones, I desire to say that I am deeply impressed with the proposition now before the Board of Regents to determine upon a comprehensive and permanent plan for the buildings and grounds of the University of California, on the site at Berkeley, and I heartily approve of the idea.

My son and I have desired to give some suitable memorial which shall testify to Mr. Hearst's love for and interest in this State, and after having carefully considered the matter, we feel that the best memorial would be one which would promote the higher education of its people. And I must confess that the absence of a suitable plan for the University buildings has seemed an obstacle in the way of carrying out some ideas which we have cherished.

I feel now so imbued with the importance to the University and to the State of having such a plan that I should be glad to aid in its complete and speedy realization. I may also say that I am the more anxious for this, as I have in contemplation the erection of two buildings, one of them to be the memorial referred to.

I would, therefore, suggest that I be permitted to contribute the funds necessary to obtain, by international competition, plans for the fitting architectural improvement of the University grounds at Berkeley. While I understand from you that such plans can be procured for about fifteen thousand (\$15,000.00) dollars, I desire to say that the success of this enterprise shall not be hampered in any way by a money consideration.

I have only one wish in this matter—that the plans adopted should be worthy of the great University, whose material home they are to provide for; that they should harmonize with, and even enhance, the beauty of the site whereon this home is to be built; and, that they should redound to the glory of the State whose culture and civilization are to be nursed and developed at its University.

As the full execution of these plans will probably require a long period of time, and one of constant and assiduous attention, I should like to suggest that this trust be reposed Trustees in a special committee which will represent the several interests involved. I would name as such trustees, His Excellency James H. Budd, representing the State; Professor William Carey Jones, representing the University, and yourself, representing the Board of Regents. I have the less hesitancy in suggesting these names, as these gentlemen are all graduates of the University of California, and would, I am sure, be glad to perform this labor in gratitude to their Alma Mater. Of course, the ratification of the final plan would rest with the Board of Regents.

I believe that the release of Mr. Maybeck (who has been identified with the idea of this plan from its inception) from his duties of instruction at the University, and his presence in the Eastern States and in Europe would greatly facilitate a proper understanding of our design among architects. I would, therefore, further suggest that he be given a leave of absence for one or two years, and I offer to provide for him a reasonable compensation.

Yours very sincerely,

PHEBE A. HEARST.

See index under "Hearst Plan."

## CHAPTER XXI.

## LOAN FUNDS.

## 1.—Frank J. Walton Memorial Fund.

The Board of Regents accepts from the members of the Class of '83 the sum of eighteen hundred (\$1,800) dollars, to be held in trust for the purposes hereinafter specified. The fund is to be known as the Frank J. Walton Memorial Loan Fund. It is to be invested by the Regents, and the income only to be loaned to the undergraduate students in the Academic Department at Berkeley, who are studying for degrees, and who have finished half their undergraduate course. The beneficiaries shall be selected by a committee, consisting of the President of the University and two members of the Academic Council, who shall be chosen by the Council for a term of three years. The choice of beneficiaries shall not be made on the ground of scholarship, but shall depend on general character and promise. The amount of the loan to each beneficiary, the term of the notes, and the question of interest, shall be left to the discretion of the said committee. The committee shall report to the Finance Committee of the Regents all receipts and disbursements on account of the fund. The promissory notes of beneficiaries shall be deposited in the office of the Secretary of the Board of Regents, but the names of the beneficiaries shall not be made public. Repayment to beneficiaries and the unused interest shall be reported to the Finance Committee, and added to the principal, and be invested by the Board of Regents. The amounts due beneficiaries shall be paid upon special requisition, signed by the committee and indorsed by the Finance Committee.

Beneficiaries

In vouchers submitted to the Board of Regents, the names of the beneficiaries shall not be inserted, and in their place shall be placed the names of the members of the Committee of the Faculty, or a majority thereof.

**Surplus** Whenever the repayments with the original fund shall exceed the sum of \$20,000, the committee may, in their discretion, establish out of the surplus, scholarships for undergraduates, or graduates pursuing studies at Berkeley, or make special loans for the use of graduates.

[November 12, 1889.]

## 2.—Class of 1886 Fund.

**Purpose** The Board of Trustees of the Memorial Loan Fund of the Class of 1886, University of California, have now on hand a fund of about \$2700. It was originally designed to raise and maintain intact as a permanent principal, the sum of \$2000, of which the interest should be loaned to students. We have, however, actually outstanding at present, student loans amounting to \$750.

**Managing Board** By the constitution of the Fund, the Board of Trustees is given power to pass the custody of the fund to the Regents of the University and the administration thereof to the President of the University, the Dean of the Faculty of Letters, and the Secretary of the Board of Regents as a managing Board.

This action we now desire to take, provided it is acceptable to and the trust is within the powers of your Honorable Board.

Upon receiving a favorable reply the Board of Trustees will take action indicated and I will transmit the moneys and student notes to the proper official.

The reasons for such action are, in brief, the greater security of the fund in the hands of the Regents, its greater productiveness in their hands, on account of exemption from taxation, and the greater facility with which it can be administered by the officers named.

In the natural course of events the present Board must lose control of the fund at some not very distant time, and it is thought that there is no reason for postponing the date for the change. The fund is now practically complete, and might as well be put upon its permanent foundation. Any further contributions received will, of course, be at once transmitted to the Regents, if this plan is carried out. [Communication from the Class of 1886.]

[On motion the foregoing offer was accepted with the thanks of the Board, April 8, 1902.]

### 3.—The 1903 Loan Fund.

The 1903 Loan Fund shall be administered by a committee of three, composed of the President of the University, the permanent President of the Class of 1903, and the President of the Associated Students.

Managing  
Board

Application for a loan may be made by any college student having senior standing. No person shall borrow more than one hundred dollars in any one college year.

Restriction

Loans are to be repaid as soon as possible. Loans shall commence to bear interest, at the rate of five per cent., one year from the date of graduation or withdrawal of the student possessing the loan, from the University.

[Accepted.]

## CHAPTER XXII.

### THE UNIVERSITY MEDAL FUND.

Herewith is submitted a report of the Academic Council in relation to the University Medal Fund, without recommendation:

"BERKELEY, June 13, 1892.

*"To the Board of Regents of the University of California:*

"The Academic Council, approved by the several Faculties, begs leave to make the following statement and recommendations to the Board of Regents:

"1. That in 1871 the following communication was made to the Board of Regents, and by them formally accepted:

Purpose " 'We, the undersigned, desirous of furnishing a stimulus for the development of the best talent in the University, hereby agree to subscribe fifty dollars (\$50) each to a fund to be invested, and the proceeds annually to be applied to the purchase of a gold medal, of suitable design, to be awarded to the most distinguished graduate of each year.'

" 'April, 1871.'

" 'H. H. Haight, and others.'

"2. That the University being organized into many different colleges and courses, with widely varying curricula, the Academic Council has found it increasingly difficult to bestow the medal with satisfactory discrimination on 'the most distinguished graduate of each year.'

"3. That it appears to have been the primary purpose of the donors of the Medal Fund to 'furnish,' as they say, 'a stimulus for the development of the best talent in the University,' and that the Academic Council and the Faculties are of the opinion that the bestowal of a medal is not the most desirable means of accomplishing this purpose.

"4. That the action of the graduate of 1891, who had been recommended by the Academic Council to be the recipient of the medal, in declining to receive the award, seems to show a greater or less participation by the students in the view that the Academic Council and the Faculties take of this question.

"5. That the Academic Council and the Faculties at Berkeley recommend that appropriate steps be taken by the Board of Regents to have the form of the award changed from that of a medal to something more conducive to the primary purpose of the donors of the fund.

"6. That the Academic Council suggests that a Fellowship or Scholarship, to be awarded at the discretion of the Faculties, would be the most desirable substitute.



"That the Academic Council feels so keenly the difficulties and doubts under which it makes its recommendations for the award of the medal, that it is compelled to request that, if changes such as those suggested cannot be made, the principal of the fund be surrendered and restored to the original subscribers, or their heirs or assigns.

"M. KELLOGG,  
"Chairman, Academic Council."

The report was referred to the Law Committee and the Counsel of the Board.

[June 28, 1892.]

The Law Committee reported as follows:

"The offer made in the year 1871, by the late H. H. Haight and others, of a sum of money to the University, the proceeds of which were to be invested and applied to the purchase of a gold medal, to be awarded annually to the most distinguished graduate of the year, and the acceptance of that offer by the University, and followed by the actual receipt of the money donated, constitutes a contract with all the terms of which the University is bound in law, as well as by every consideration of honor, to faithfully and scrupulously comply.

Trust to be  
maintained

"In the judgment of the committee, it is of no importance that a compliance with the wishes of the donors has since become inconvenient or onerous; the trust they reposed in us—in the University—was absolute; it was upon the promise made on our part to forever devote the proceeds of the fund in the stipulated manner that they placed these moneys in our hands.

"Your committee therefore report that to now depart from the terms of the donation in any respect whatever is both unlawful and inexpedient."

[Adopted February 14, 1893.]



The Law Committee also reported verbally that the medal should be made and inscribed annually, and if not called for should be placed in the vault, to await the demand of the persons to whom awarded, or their descendants.

[Approved by the Board.]

Secretary to  
prepare medal

The Secretary is authorized to prepare annually from the interest of the fund subscribed for that purpose, the University medal, to be awarded by the Board of Regents to the most distinguished graduate of the year.

[May 14, 1889.]

The proceeds of the Medal Fund shall be applied to the purpose of the donation.

[March 13, 1900.]

CHAPTER XXIII.

THE BRYCE HISTORICAL ESSAY.

Competitors

1. The competitors must be either Seniors or Graduates of less than one year's standing in the University of California. They must be less than twenty-five years of age and must have spent at least two years as regular students in the University.

2. The prize shall be awarded on Charter Day.

3. The subject of the Bryce Historical Essay Prize shall be selected by the examiners from American or European History.

Examiners

4. The examiners for the Bryce Historical Essay Prize shall be three in number, appointed by the President of the University of California. Two of them shall be professors of history in the University of California, who shall submit the essays in their judgment most worthy of consideration to the third examiner, who shall not be connected with the University of California, and whose judgment shall be final. If in the judgment of the examiners no essay of sufficient merit has been presented, there shall be no award in that year.

5. The essays must be typewritten, and must be handed in, unsigned, to the Recorder by the 15th of January following the announcement of the subject. Each essay must bear a distinguishing mark or word, and must be accompanied by an envelope containing the name of the competitor. Date

[March 8, 1904.]

#### CHAPTER XXIV.

#### SCHOLARSHIPS.

##### 1.—P. Charles Cole Scholarship.

Extracts from the will of the late P. Charles Cole, of Rochester, New York:

*Second*—I give, devise, and bequeath to the trustees of Vassar College, Poughkeepsie, New York, six thousand dollars (\$6,000.00) for a scholarship in said college; my heirs to have the preference, if qualified to enter the same, and if more than one, the President and one of the professors will decide which shall be admitted. The bequest is to be kept separate and distinct from any other funds of said college, and to be used for no other purpose; and if at any time of said college term no one is receiving the benefit of this bequest, the interest for the time is to be added to the principal.

*Sixth*—I give, devise, and bequeath to the trustees of the University of California, at Berkeley, California, one thousand dollars (\$1,000.00) for a scholarship in said university; my heirs to have the preference or benefit, if qualified to enter said university. My bequest to this university, Hamilton and Mills Colleges, and Rochester University, with restrictions as in my bequest to Vassar College. \* \* \* Preference

In Witness Whereof, I have hereunto subscribed my name and affixed my seal, the 14th day of November, in the year of our Lord one thousand eight hundred and ninety.

P. CHAS. COLE.

## 2.—Phebe A. Hearst Scholarships for Young Women.

SEPTEMBER 28, 1891.

*To the Board of Regents of the University of California:*

GENTLEMEN: It is my intention to contribute annually to the funds of the University of California the sum of fifteen hundred (\$1500) dollars, to be used for five \$300 scholarships for worthy young women.

Two of these scholarships are to be given this year, and the remaining three at the beginning of the August term next year. I bind myself to pay this sum during my lifetime, and I have provided for a perpetual fund after my death.

## Qualifications

The qualifications entitling students to the scholarships shall be noble character and high aims, it being understood that without the assistance here given a University course would, in each case, be impossible.

I desire that a school officer, say any County Superintendent in this State, shall recommend to the Faculty of the University the applicants for scholarships, the award being made by a vote of the Faculty, but I do not wish any scholarships to be given as a prize for honors in entrance examinations.

Mr. Irwin C. Stump, my business manager, will arrange the necessary formalities with the Secretary of your Board.

Yours very sincerely,

PHEBE A. HEARST.

SEPTEMBER 28, 1891.

*J. H. C. Bonté, D.D., Secretary of Board of Regents:*

DEAR SIR: The money for the scholarships for which I have provided will be paid half-yearly in advance, this year the sum being three hundred (\$300) dollars; and beginning with August, 1892, the amount will be seven hundred and fifty (\$750) dollars at each payment.

The students securing these scholarships are to be paid in ten monthly installments of thirty (\$30) dollars for each student.

Yours very truly,

PHEBE A. HEARST.

### 3.—State of California Scholarships.

WHEREAS: At the time of the passage, by the present Legislature, of the Act granting an additional income to the State University, it was suggested by members of the Legislature, that the sum of \$3,500 per annum should be set apart and used to aid poor and deserving students at the University,

Now be it resolved: That the said sum of \$3,500 per annum be, and is hereby appropriated until further order of this Board, out of the funds of the University, which sum is to be distributed equally among the Congressional Districts of this State, for the purpose of aiding, not to exceed twenty-eight (28) students per annum, at the University, such students to be selected by the Faculty of the University, solely by reason of their mental ability, character, and needs.

Distribution

The procedure and manner of the disposition of such scholarships to be, as far as may be, similar to that adopted in reference to the Phoebe Hearst Scholarships.

The said Scholarships shall always be known and designated as the State of California Scholarships.

[March 9, 1897.]

### 4.—Levi Strauss Scholarships.

SAN FRANCISCO, March 6, 1897.

*Regent J. B. Reinstein.*

DEAR SIR: I have noted in the newspapers that while the Legislature was considering the bill to increase the income of the University of California, a suggestion was

made to set apart \$3,500.00 per annum to aid worthy and poor students from each of the Congressional Districts of the State to obtain an education at that University.

I should be pleased to be permitted to duplicate the generosity of the State in the matter of said scholarships and request you to kindly communicate the terms of this letter to the Honorable Board of Regents of the University.

The University of California has already risen to a plane that challenges the admiration of the entire country, and I deem it a privilege to aid those connected therewith.

The proper officers are hereby authorized to draw on me each year, until further notice, for the sum of \$3,500.00. I am, dear sir,

Yours very truly,

LEVI STRAUSS.

*The Regents resolved:*

WHEREAS: The sum of \$3,500.00 has been set apart annually from the income furnished by the State to the University of California, to be distributed equally among the Congressional Districts of this State, for the purpose of aiding, not to exceed twenty-eight (28) poor and deserving students at the University, each year,

AND WHEREAS, Mr. Levi Strauss, of San Francisco, has duplicated the generosity of the State, for a like purpose, \* \* \*

*Resolved:* That the disposition and procedure in connection with the said scholarships shall be similar in general to the procedure and disposition of the State of California Scholarships.

*Resolved further:* That the said scholarships shall be known and designated as the Levi Strauss Scholarships.

[March 9, 1897.]

[The Levi Strauss Scholarships are continued by the heirs.]

## 5.—Cornelius B. Houghton Scholarship.

BERKELEY, May 16, 1899.

*To the Honorable the Regents of the University of California,*

GENTLEMEN: It is the wish of Mrs. C. B. Houghton, of Benicia, to found in the University of California a scholarship to be known, in memory of her late husband, as the Cornelius B. Houghton Scholarship. I enclose, on behalf of Mrs. Houghton, a check for \$150, which sum she desires to be regarded as the income of such scholarship for the academic year 1899-1900. Mrs. Houghton has made provision for the eventual payment of a principal sum sufficient to yield an annual income of \$150. In the meantime she engages to pay yearly to the Regents of the University the sum of \$150 for the maintenance of said scholarship.

The qualifications for this scholarship Mrs. Houghton desires to be character, ability, and need, and she wishes it to be bestowed in the same manner and by the same authorities as the Phoebe Hearst Scholarships. On account of the fact that Mr. Houghton's life was long identified with Benicia, Mrs. Houghton expresses the wish that, other things being equal, a preference may be given in the award of this scholarship to students who may reside in or be otherwise connected with Benicia or its neighborhood. \* \*

Qualifications

Preference

Respectfully yours,

WM. CAREY JONES.

[May 16, 1899.]

*The Regents resolved* that the offer of Mrs. Cornelius B. Houghton, to found in the University of California a scholarship, to be known in memory of her late husband, Cornelius B. Houghton, as the Cornelius B. Houghton Scholarship, be accepted in accordance with the conditions of the communication of William Carey Jones on behalf of the donor to this Board, bearing date the 16th day of May, 1899.

[June 16, 1899.]

## ENDOWMENT.

On behalf of Mrs. C. B. Houghton there is herewith presented to the University of California the sum of three thousand dollars (\$3,000) as the endowment of the Cornelius B. Houghton Scholarship.

The terms and conditions of this endowment were stated in a letter to your honorable body dated May 16, 1899. At the same time the sum of \$150 was handed to you as the income of said scholarship for the year 1899-1900. It is the hope of Mrs. Houghton that the the \$3,000 herewith delivered may yield continuously an income of \$150. She does not desire any more than that amount to be paid to the beneficiary for any one year. Any excess of interest and any lapsed income she desires may by added to the principal sum. Mrs. Houghton, however, makes no binding conditions on this gift other than that the main purpose of the endowment shall be observed, and that the name of her late husband, Cornelius B. Houghton, shall be preserved in connection therewith.

Limitation

Excess

The endowment was accepted with the terms and conditions as proposed by the donor.

[July 11, 1899.]

## 6.—Goewey Scholarship.

We, Kate S. Goewey, the wife of, and Charles H. Goewey, Frank B. Goewey, Gertrude Goewey Havens (formerly Gertrude Goewey), James M. Goewey, Jr., and Herbert S. Goewey, the children of the late James M. Goewey, do hereby assign, transfer, and set over unto the Regents of the University of California, a corporation, the forty shares of the capital stock of the Pacific Gas Improvement Company now represented by stock certificate No. 4148, and the eleven shares of the capital stock of the Eastern Dynamite Company now represented by stock certificate No. 900, together with all dividends thereon accruing since the first day of July, 1900, for the purpose of creating



at the University of California a scholarship to be known as the "James M. Goewey Scholarship," and to be the gift of the "Heirs of James M. Goewey." Name

For the accomplishment of said purpose, said stock, or its proceeds, shall be held by said Regents as a separate and perpetual fund, to be known as the "James M. Goewey Scholarship Fund," the annual income whereof shall be applied to the support, at the University of California, of some worthy student pursuing studies in some one of the so called scientific branches of learning. Qualifications

Said Regents shall have the full and unrestricted rights of control, disposition, and ownership of said stock and its proceeds, subject only to the purpose of maintaining a perpetual fund properly invested so as to yield an income for the purpose of said scholarship.

The appointment to said scholarship shall be made annually by the Faculty of said University, or by some committee thereof to whom such duty has been delegated.

#### 7.—Pixley Scholarship.

JULY 11, 1903.

As per Decree of Distribution in the estate of Amelia V. R. Pixley, deceased, we are holding the sum of Three Thousand Five Hundred Sixty-three and  $\frac{22}{100}$  (\$3,563.22) Dollars to be delivered to the Treasurer of the University of California for the purpose of founding a scholarship in the University of California, to be known as "The Frank M. Pixley Scholarship." Name

It was the desire of the donor of this fund that the income from it should be used for the maintenance of some student in the law. Qualifications

Awaiting the pleasure of the Board of Regents in this matter, we are,

Yours truly,

UNION TRUST COMPANY OF SAN FRANCISCO,  
Trustee.

J. F. D. CURTIS,  
Trustee.

[Accepted August 11, 1903.]

## 8.—Hilgard Memorial Graduate Scholarship.

I have the honor of enclosing herewith my check for \$125.00 for a graduate scholarship in memory of my wife and son, to be known as the "Hilgard Memorial Graduate Scholarship." The award to be made during the coming year 1904 for excellence in scholarship and need. A similar sum will be available for the same purpose for the year 1905.

E. W. HILGARD.

[Accepted December 8, 1903.]

## CHAPTER XXV.

## DENICKE FUND.

Mr. Ernst A. Denicke, formerly a Regent of the University, some years ago gave a fund of one thousand dollars whose interest was to be applied to the purchase of books for the University Library. Mr. Denicke has now offered to contribute a yearly amount sufficient to raise the income from the Denicke Fund to one hundred dollars per annum. This amount to be devoted to the purchase of books for the Department of German.

[September 10, 1902.]

## CHAPTEX XXVI.

## FROM THE WILL OF CHARLES F. DOE.

I hereby give, bequeath and devise the rest and residue of my property, real, personal, and mixed, and wheresoever situated, to the persons herein designated, and in the percentage and proportion herein set forth: \* \* \*

To the Board of Regents of the University of California twenty-four (24) per cent. thereof, in trust for the following purposes: As much as may be necessary thereof to be used for the construction and erection of a library building for its Academic Department, and the surplus not used for the construction and the erection of a library building to be permanently invested by said Regents, and the income, revenue and profit thereof to be used for the purchase of books.

Qualification

German books

Library building

Book fund

## CHAPTER XXVII.

**LECONTE MEMORIAL FELLOWSHIP.**

The Finance Committee submitted the following:

We recommend that the fund mentioned in the following resolution be accepted and that the Treasurer of the University be authorized to receive the same:

"At a meeting of the Board of Administration of the LeConte Memorial Fellowship, held Monday, August 15th, in Oakland, the following motion was passed:

"1. That the Treasurer of the Alumni Association of the University of California be directed by the Board of Administration of the LeConte Memorial Fellowship to turn over the LeConte Memorial Fellowship Fund, now amounting to \$8,965.93, to the Treasurer of the Board of Regents of the University of California."

[Concurred in September 13, 1898.]



PART IV

PURCHASES UNDER STIPULATION



## CHAPTER I.

## HILLEGASS LANDS.

## 1.—Hillegass and Wife to the College of California.

This indenture, made the fourth (4th) day of September, A.D. 1860, between William Hillegass and Eugenie Hillegass, wife of the said William, both of Oakland, in the County of Alameda and State of California, parties of the first part, and the President and Board of Trustees of the College of California, of the second part, witnesseth: That the said parties of the first part, for and in consideration of the sum of two thousand dollars, lawful money of the United States of America, to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged; also, for and in consideration of the agreement made by the parties of the second part to erect, build, and maintain the College of California upon the ground hereby conveyed, or upon the college grounds contiguous thereto; also, for and in consideration of the agreement on the part of the parties of the second part to furnish to the parties of the first part, the amount of three hundred gallons per day of the water of the creek now running through the lands conveyed, provided the said creek be taken and used for college purposes, having remised, released, and quitclaimed, and by these presents do remise, release, and quitclaim unto the parties of the second part, all that certain tract, piece, or parcel of land situated in said Oakland Township, and described as follows: \* \* \* being a part of the plat designated upon said map as number seventy-one (71), and containing seventeen and thirteen hundredths (17.13) acres of land. Together with all and singular the tenements, hereditaments, and appurtenances thereto belonging, and the rents, issues and profits

Conditions

thereof. It being understood that the trees bordering upon the creek on said premises are not to be cut down, destroyed, or in any way impaired, except for the purpose of building, and for roads or paths, or for the adornment and greater beauty of the land belonging to the parties of the second part; and it is agreed and understood that if the parties of the second part should fail to erect the contemplated College of California upon said premises, or upon the college grounds contiguous thereto, or if at any time after the same has been erected on said grounds, said college should be removed, or it should cease actual operation as a college, then this conveyance shall be void, and said land shall be redeeded to the parties of the first part or his heirs or assigns, on the payment to the parties of the second part the sum of two thousand dollars, and that the parties of the first part shall have six months after said abandonment to pay said sum of two thousand (\$2,000). And it is further understood that the party of the first part reserves the right to take three hundred gallons of water per day from the creek running through the grounds hereby conveyed, and if the parties of the second part should turn the course of said creek and should not furnish to the party of the first part said amount of three hundred gallons per day, then the party of the second part shall dig and brick up a good and sufficient well for the party of the first part on that part of the ranch of the party of the first part to be by said party of the first part designated.

Reversion

In Witness Whereof, the said parties of the first part hereunto set their hands and seals first above written the day and year.

WM. HILLEGASS,  
EUGENIE HILLEGASS.

[Recorded in Liber T, pp. 189, 190, 191, Records of Alameda County.]

See page 166.



## 2.—Water for Hillegass Property.

The Committee on Grounds and Buildings reported as follows:

Your committee has had under consideration the obligation of the University to furnish the Hillegass property with 300 gallons of water per day, and has concluded that said amount of water should be furnished them through the mains of the Alameda Water Company, and that a meter be placed on the same, the occupants of the building paying for all surplus consumed over 300 gallons per day.

Mr. Meyer, agent of the property, has intimated his willingness to sign such a contract. He asks that the Regents prepare the contract. Your committee would recommend the adoption of the plan with instructions to carry it into effect.

[Adopted, April 12, 1898.]

See page 253.

## 3.—Hillegass to the College of California.

This indenture, made the nineteenth day of February, A.D. 1868, between William Hillegass, of the County of Alameda, of the first part, and the President and Board of Trustees of the College of California of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of one dollar, lawful money, to him in hand paid by the party of the second part, and the undertaking of the party of the second part to locate, or cause to be located, on the lands hereby conveyed, or on lands now or late of the party of the second part contiguous thereto, a State University, or State College, or College of California, hath granted, bargained, and sold, and by these presents doth grant, bargain, sell, and convey unto the said party of the second part all that certain piece or parcel of

land situate, lying and being in Alameda County, State of California, in Oakland Township, beginning at the south-east corner of plat No. 81, \* \* \* being part of the plat designated \* \* \* by the number 71 (seventy-one) and containing seventeen and thirteen one-hundredths acres of land, for the uses and purposes of the said university or college, subject to the conditions and agreements contained in a deed from the party of the first part and his wife to the said party of the second part, dated September 4, 1860, and recorded in said county in Liber T of Deeds, page 189, etc., except the condition to establish on or near said lands the College of California.

Conditions

To have and to hold the same to said party of the second part, its successors or assigns, so long as the same shall continue to be used for the purposes of a college.

Forfeiture

This conveyance is made subject to the condition that said land shall be used for the purpose of a university or college only and be a part of the grounds of such university or college, and that the alienation thereof by the college corporation to which said lands may be conveyed by the party of the second part, or the removal of the college or university which it is intended to establish on or near said lands to some other locality and the subjection of said lands to other uses than to the uses and purposes of college grounds, shall work a forfeiture of the estate hereby granted, and that the said land shall thereupon become again the property of the party of the first part, his heirs and assigns, and he shall have the same estate therein which he would have had if this conveyance had not been made.

In Witness Whereof the party of the first part hath hereunto set his hand and seal the day and year first above written.

[Duly executed. Recorded in Liber 43 of Deeds, p. 108, Records of Alameda County.]

See page 166.

#### 4.—Purchase of Hillegass Tract.\*

THIS AGREEMENT, made and entered into this sixteenth day of October, 1900, between Marie Hillegass, a widow, of the City of Oakland, County of Alameda, State of California, the party of the first part, and the Regents of the University of California, a corporation of said State, party of the second part.

WHEREAS, The party of the first part has sold to the party of the second part, for the aggregate sum of one hundred and twenty-three thousand nine hundred and ten (123,910) dollars, gold coin of the United States of America, payable by the party of the second part at the times and in the manner hereinafter set forth, all those certain lots, pieces, or parcels of land situate, lying, and being in the Town of Berkeley, County of Alameda, State of California, being portions of plot number seventy-one (71) of the V. & D. Peralta Rancho, and known as plots number one (1), number two (2), number three (3), number four (4), number five (5), number six (6), and number (7), as all of the said plots are severally marked, laid down, and so designated upon a certain map entitled "Map number (2) two, showing subdivision into plots of Hillegass Tract, north of Bancroft Way, Berkeley," a copy of which map is attached hereto;

AND WHEREAS, The party of the second part, being first duly authorized by a resolution regularly adopted at a meeting of the Board of said Regents, held the ninth day of October, 1900, has purchased all of the said real property, for the said sum, payable at the times and in the manner hereinafter set forth;

AND WHEREAS, For and in consideration of the premises, and for the purpose of carrying out the said sale and

\* See SECRETARY'S REPORT for 1901, p. 55.

Escrow

purchase, and the terms and conditions thereof, the party of the first part has subscribed and made and properly acknowledged, so as to entitle the same to be recorded, seven separate deeds of grant of the said several plots, the said seven deeds being regularly numbered in numerical order from one (1) to seven (7), and corresponding severally with the several plots to be conveyed and the several payments to be made therefor, and has delivered the said several deeds to and deposited the same in escrow with the Union Trust Company of San Francisco, a corporation, to be delivered by said Union Trust Company of San Francisco to the said party of the second part only in the numerical order hereinafter mentioned and upon the making, by the party of the second part, of the payments herein provided for.

*Now, therefore, this agreement witnesseth:* That the terms of the purchase of said property and the conditions appurtenant to the same by the party of the second part, and the conditions upon which the said several deeds are to be delivered by said Union Trust Company to the party of the second part, are as follows:

Conditions

The payments for the said several plots and the deliveries by the said Union Trust Company to the party of the second part of the deed or deeds therefor in each and every case, whether the said payments shall be made at their several dates of maturity hereinafter provided, or before maturity, as hereinafter also provided, shall be made only in the numerical order hereinafter provided and not otherwise; that is to say, the party of the second part shall not receive, nor be entitled to receive, from the said Union Trust Company, in any case, a deed to any plot until and unless all deeds prior in numerical order of delivery shall have been paid for, and the deeds therefor delivered. The said payments shall all be made by the party of the second part to the Union Trust Company of San Francisco for and on account of said party of the first part, and the delivery of

the said deeds shall be made in the manner and at the times and in the following numerical order: Manner of  
payment

*First*—The party of the second part shall pay to the said Union Trust Company, on the execution of this agreement, the sum of seventeen thousand eight hundred (17,800) dollars, and thereupon said Union Trust Company shall deliver to said party of the second part the deed of grant of the said plot number one (1);

*Second*—The party of the second part shall pay to the said Union Trust Company, on the first day of July, 1901, the sum of seventeen thousand eight hundred (\$17,800) dollars, and thereupon said Union Trust Company shall deliver to the party of the second part the deed of grant left in escrow of said plot number two (2);

*Third*—The party of the second part shall pay to the said Union Trust Company, on the first day of July, 1902, the sum of seventeen thousand eight hundred (\$17,800) dollars, and thereupon said Union Trust Company shall deliver to said party of the second part the deed of grant left in escrow of said plot number six (6);

*Fourth*—The party of the second part shall pay to the said Union Trust Company, on the first day of July, 1903, the sum of sixteen thousand six hundred and sixty-six (\$16,666) dollars, and thereupon said Union Trust Company shall deliver to said party of the second part the deed of grant left in escrow of said plot number three (3);

*Fifth*—The party of the second part shall pay to the said Union Trust Company, on the first day of July, 1904, the sum of seventeen thousand three hundred and seven (\$17,307) dollars, and thereupon the said Union Trust Company shall deliver to said party of the second part the deed of grant left in escrow of said plot number four (4);

*Sixth*—The party of the second part shall pay to the said Union Trust Company, on the first day of July, 1905, the sum of seventeen thousand nine hundred and forty-

eight (\$17,948) dollars, and thereupon the said Union Trust Company shall deliver to said party of the second part the deed of grant left in escrow of said plot number five (5);

*Seventh*—The party of the second part shall pay to the said Union Trust Company, on the first day of July, 1906, the sum of eighteen thousand five hundred and eighty-nine (\$18,589) dollars, and thereupon the said Union Trust Company shall deliver to the said party of the second part the deed of grant left in escrow of said plot number seven (7).

The party of the second part shall have the option of paying any or all of the above installments before maturity, and thereupon the said Union Trust Company shall deliver to the party of the second part the deed or deeds of the plot or plots so paid for, but only in the numerical order of their maturity as hereinbefore provided.

Reduction for  
payment  
made before  
maturity

In the event of the party of the second part paying all or any of the fourth, fifth, sixth, or seventh installments before maturity, but after the first day of July, 1902, a reduction of and in the amounts payable respectively shall be made as next herein mentioned, viz: In such case the said Union Trust Company is authorized to receive instead of the amounts hereinbefore provided, and the said party of the first part shall and will accept in full satisfaction of the said payments, and the said Union Trust Company is authorized to and shall make delivery of the said several deeds corresponding to the said fourth, fifth, sixth, and seventh installments upon payment of the following amounts, that is to say:

1. Instead of the fourth installment of sixteen thousand six hundred and sixty-six (\$16,666) dollars, the sum of sixteen thousand and twenty-five (\$16,025) dollars, with interest thereon at the rate of four per cent. per annum from July 1, 1902, to the date of payment;

2. Instead of the fifth installment of seventeen thousand three hundred and seven (\$17,307) dollars, the sum of sixteen thousand and twenty-five (\$16,025) dollars, together with interest thereon at the rate of four per cent. per annum from July 1, 1902, to the date of said payment;

3. Instead of the sixth installment of seventeen thousand nine hundred and forty-eight (\$17,948) dollars, the sum of sixteen thousand and twenty-five (\$16,025) dollars, together with interest thereon at the rate of four per cent. per annum from July 1st, 1902, to the date of said payment;

4. Instead of the seventh installment of eighteen thousand five hundred and eighty-nine (\$18,589) dollars, the sum of sixteen thousand and twenty-five (\$16,025) dollars, together with interest thereon at the rate of four per cent. per annum from July 1, 1902, to the date of said payment.

In case of payment of any or all of said fourth, fifth, sixth, or seventh installments on or before July 1, 1902, the said deliveries of said deeds for the corresponding plots shall be made upon, and the said Union Trust Company is authorized to accept in payment therefor, and said party of the first part will accept in full satisfaction therefor, the payments as follows:

1. Instead of the fourth installment of sixteen thousand six hundred and sixty-six (\$16,666) dollars, the sum of sixteen thousand and twenty-five (\$16,025) dollars;

2. Instead of the fifth installment of seventeen thousand three hundred and seven (\$17,307) dollars, the sum of sixteen thousand and twenty-five (\$16,025) dollars;

3. Instead of the sixth installment of seventeen thousand nine hundred and forty-eight (\$17,948) dollars, the sum of sixteen thousand and twenty-five (\$16,025) dollars;

4. Instead of the seventh installment of eighteen thousand five hundred and eighty-nine (18,589) dollars, the sum of sixteen thousand and twenty-five (\$16,025) dollars.

All payments to be made under this contract shall be made in gold coin of the United States of America.

Conditions

The party of the second part shall pay all taxes levied upon all of the said real property for the present fiscal year, and all taxes and assessments and all assessments or liens for street work which shall be levied on, or become a lien upon, all of the said real property during the continuance of this agreement, and shall also pay, sustain, and bear all expenses which are or may become due, to the Union Trust Company for all its services in connection with this agreement during the continuance of this agreement, and in the event that any of the said taxes, assessments or liens for street work levied against any of the said property, or any portion thereof, for which said party of the second part shall not have paid and received, or become entitled to receive, delivery of a deed as hereinbefore provided, shall be allowed to become delinquent during the continuance of this agreement, it shall be optional for the party of the first part to pay the same, and the amount of any or all such payments shall be payable by the party of the second part to the party of the first part, with interest at the rate of eight per cent per annum until payment thereof, and upon the failure of the party of the second part to repay the same within six months after written notice requiring said payment, the party of the first part may, at her option, annul the said contract as to all portions of the said property for which said party of the second part shall not then have already received, or become entitled to receive, a conveyance or conveyances.

Interest

Possession

The party of the second part shall be let into possession and occupancy of all of the said real property and all of the said seven several plots immediately upon the execution of



this agreement, and shall have the right to cultivate and use the whole thereof for such purposes as it may deem best during the continuance of this agreement, but shall not erect or cause to be erected any permanent buildings or structures upon any plot for which it shall not at the time of such erection have received or become entitled to receive delivery of a conveyance, and shall not cause the oak trees at present standing on the said plot number six (6) to be cut down, destroyed, or in any way impaired until it shall have received, or become entitled to receive, delivery of the deed of conveyance of the said plot number six (6).

Oak trees

Said party of the second part shall, during the continuance of this agreement, and at all times until it shall have become entitled to receive deeds of conveyance to all of said property, pay, sustain, and bear, at its own cost and charge, all expenses of every kind and nature connected with the possession, occupancy, or use of said premises, and shall, during the same time, save the party of the first part harmless and indemnified against all liability to any and all persons for any and all damage or damages to person or property arising out of the possession, use, or occupancy of said property, and shall, at its own proper cost and charges, defend all actions and suits which may be brought by any person or persons, for or by reason of any matter or thing connected with the possession, occupancy, or use of said premises.

Liability

Upon the default or failure of the party of the second part to make payment of all or any of the said installments for the period of six months after their respective dates of maturity, the said Union Trust Company shall, at the option of the party of the first part, her heirs or assigns, return and surrender to the said party of the first part, her heirs or assigns, to be canceled, all of the said deeds which the party of the second part shall not then have received or become entitled to receive, and in that event the party of the second part shall, within three months after receiving

Surrender of deeds

from the party of the first part written notice requiring it so to do, surrender to the party of the first part all of the said real property for which it shall not then have received or become entitled to receive a deed or deeds, in the same condition and state of curbs and grades of streets and otherwise as when the party of the second part was let into possession of the same; but the title to all and every plot and plots for which a deed or deeds shall then have been delivered to the party of the second part pursuant to this agreement shall nevertheless vest in the party of the second part and in the State of California in fee simple absolute.

Streets

Title

It is hereby agreed that all the agreements, stipulations, and covenants herein set forth shall and do apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties herein mentioned.

For the purpose of further assuring and confirming to the party of the second part the title to all the property hereinbefore described, and also all other real property included within the exterior boundary lines of the map first hereinbefore mentioned and hereto attached in or to which the party of the first part, or the heirs of William F. Hillegass, deceased, have any claim, right, title, or interest, the said party of the first part has also executed and acknowledged, and procured to be also executed and acknowledged, by George Hillegass, Louise Hillegass, Norma Hillegass, and Elmire Hillegass, a quitclaim deed, numbered eight (8), to the party of the second part, of and to all that portion of the said plot number seventy-one (71) of the V. & D. Peralta Rancho, lying between the northerly line of Bancroft Way on the south and having for its northerly boundary the southerly line of the lands of the University of California, as the said southerly line is described in a certain deed made by William Hillegass and Eugenie Hillegass to the President and Board of Trustees of the College of California, dated September 4, 1860, and

recorded in the office of the said Recorder of Alameda County, on December 12, 1865, in Liber T of Deeds, page 189; said quitclaim deed also containing a release and relinquishment, by the parties thereto of the first part to the party thereto and hereto of the second part, of all the right, title, and interest of the parties thereto of the first part of, in, or to all of the water rights attached to or appurtenant to the property therein described and all water rights reserved by and to the grantors in the said deed of William F. Hillegass and Eugenie Hillegass; and the said party of the first part has also delivered the said quitclaim deed to and deposited the same with the said Union Trust Company in escrow, to be delivered by the said Union Trust Company to the said party simultaneously with the delivery of the deed of and to the said plot numbered seven (7), when the party of the second part shall have made the payment entitling it to the delivery of the deed of and to said plot numbered (7), and not before or otherwise.

Release of  
water rights

This agreement is executed in triplicate, one copy being retained by the party of the first part, one copy by the party of the second part, and one copy being delivered to and deposited with the said Union Trust Company.

In Witness Whereof, the party of the first part has hereunto set her hand and seal, and the party of the second part, being thereunto duly authorized, has caused its corporate name to be subscribed and its corporate seal to be attached hereto, the day and year first above written.

UNION TRUST COMPANY OF SAN FRANCISCO, a corporation, hereby acknowledges that it has this day received from Marie Hillegass, the party of the first part named in the foregoing agreement, the seven several deeds of grant, numbered in numerical order from one (1) to seven (7), both numbers inclusive, mentioned and described in the said foregoing agreement, and also the quitclaim deed numbered (8), therein also mentioned and described, and

for and in consideration of the sum of one dollar to it paid, and for other good and valuable considerations, the said Union Trust Company agrees with the said Marie Hillegass, and with the said Regents of the University of California, the party of the second part to the said agreement, that said Union Trust Company will hold the said deeds in  
Escrow escrow in accordance with the terms of the said agreement and will deliver the same to the said party thereto of the second part in accordance with the terms and conditions of the said agreement and not otherwise, and that upon the payment to it by the party of the second part of any or all of the installments in said agreement mentioned, it will immediately pay the same over to the said Marie Hillegass, her heirs, executors, administrators, or assigns, without any deduction therefrom for its services or expenses of collection, but will look only to the said party of the second part for the payment of any charges for such services or expenses. Said Union Trust Company further agrees with the said Marie Hillegass that upon the failure or default of the party of the second part in said agreement to make all or any of the payments therein mentioned for the period therein specified, it will, upon the request of the said Marie Hillegass, her heirs, executors, administrators, or assigns, return to the said Marie Hillegass, her heirs, executors, administrators, or assigns, without recording or permitting the same to be recorded, all or any of the said deeds for which payments shall not then have been made in accordance with the terms of the said agreement.

In Witness Whereof, said Union Trust Company has hereunto caused its corporate name to be subscribed and its corporate seal to be attached hereto, this sixteenth day of October, 1900, by its President, thereunto duly authorized.

[Duly executed. Recorded in Liber 760 of Alameda County Records, p. 70.]

*Resolved*, That in consideration of the Union Trust Company of San Francisco consenting to act as depositary under the said agreement which has been adopted, without compensation, this corporation does hereby hold said Union Trust Company harmless from any loss or liability which it may suffer hereafter on account thereof, and does further agree to execute and deliver at any time, upon demand, such writings as said company may deem necessary to carry this agreement of indemnity into effect.

Union Trust  
Company not  
liable

[Adopted, October 9, 1900.]

## CHAPTER II.

### BLAKE LAND.

#### 1.—Blake to Regents.

Articles of agreement made and entered into the twenty-eighth of August, A.D. 1869, between George M. Blake, of Oakland, Alameda County, State of California, of the first part, and the Regents of the University of California, a corporation duly formed and existing under the laws of said State, of the second part. Whereas, heretofore the President and Board of Trustees of the College of California donated to the State of California, for the uses of a State University, a certain tract of land in the Township of Oakland, in the County of Alameda, in said State, particularly described in the deed of conveyance thereof to said State, of record in the Recorder's office of said county; and whereas, the State of California, represented by the said party of the second part, hath undertaken to locate upon said donated land, establish, and maintain a State University, embracing the several colleges described in section two of an Act of the Legislature of said State, entitled "An Act to create and organize the University of California,"

approved March 23, 1868; and whereas, the said party of the first part is the owner of that certain tract of land in said township, county, and State hereinafter particularly described, adjoining said first mentioned tract on the west-erly and southwesterly sides thereof; and whereas, the said mentioned tract of land hereinafter described is necessary to be had by the said State, represented by said party of the second part, for the uses of said State University; and whereas, the said party of the first part is desirous of fostering and encouraging the establishment and maintenance of a State University upon said lands, in which shall be merged and included the Mining and Agricultural Colleges heretofore existing in said county, and the objects of instruction of which said colleges shall be taught in said university as branches of the courses of instruction thereof; and has, at the request of the party of the second part, agreed that if the said State of California shall establish, erect, and maintain a State University, embracing the said Mining and Agricultural Colleges, on the lands so donated to the State by the said President and Board of Trustees of the College of California, within the period of three years from the date of these presents, that he will, on request, donate to the said party of the second part, and to the State of California, represented by said party of the second part, for the uses of said university, the said tract of land hereinabove mentioned and hereinafter described, and will convey the same to the said party of the second part, and to said State, for the uses of said university, upon the conditions hereinafter expressed. Now this agreement witnesseth, that the said party of the first part, for and in consideration of the premises, and of the sum of one dollar, lawful money of the United States, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, hath undertaken and agreed, and doth hereby covenant and agree, to and with the said party of the second part, that if the said State of California shall establish,

erect, and maintain a State University, embracing the said Mining and Agricultural Colleges, on the said lands so donated to said State as aforesaid, within the period of two years from the date of these presents, he will, and his heirs, executors, administrators, and assigns shall, on request of said party of the second part, convey, free of incumbrance by him or them made, done, created, or suffered, and execute, acknowledge, and deliver to the said party of the second part, and to the State of California, represented by said party of the second part, for the use of said university, a good and sufficient conveyance of all that certain tract, piece, or parcel of land situate, lying, and being in Oakland Township, Alameda County, and State of California, bounded and described as follows: \* \* \* being part of said plat sixty-nine (69) and containing ten (10) acres of land, with the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining. But such conveyance shall be subject to the following conditions, viz.:

First.—That the said above described tract of land shall during all coming time be used *only* for the purposes of the said State University; Conditions

Second.—That said above described tract of land shall not at any time be sold or in any way encumbered;

Third.—That the said California College grounds on which it is proposed to locate the said State University shall be used for no other purpose, and shall not be sold or transferred to any other person or body corporate;

Fourth.—That whenever said State University shall be removed from said California College grounds, or sold, or transferred to any other person or body corporate, or shall cease as a State University, then the above described lands shall revert to the said George M. Blake, his heirs and assigns. Reversion  
The said party of the first part expressly reserves to himself the exclusive use and occupation of the said ten acres of

land above described, without let or hindrance, until the necessary buildings are erected for, and the State University shall be actually established and in active operation on said college grounds.

In Witness Whereof the said party of the first part hath hereunto set his hand and seal, and the said party of the second part hath caused these presents to be subscribed by its President and Secretary, and its corporate seal to be hereunto affixed, the day and year first above written.

Signed, sealed, and delivered in the presence of J. Temple as to signature of H. H. Haight.

H. H. HAIGHT,  
President Board Regents.

ANDREW J. MOULDER,  
Secretary Board Regents.

Seventh.—That no person, or body corporate, shall either directly or indirectly receive any money or other consideration (except myself) for the said ten acres, or any part thereof, or for the procuring of this donation, or for any conveyance from me of the said land.

Witness my hand and seal this eighth day of November, 1869.

GEORGE M. BLAKE.

[Recorded in Liber 48, p. 425, Records of Alameda County.]

## 2.—Blake to Regents.

I, George M. Blake, of Oakland, Alameda County, State of California, in performance of the terms on my part of a certain agreement, made and entered into by me with the Regents of the University of California, dated August 28, 1869, and recorded in the County Recorder's office of Alameda County, December 3, 1869, in Liber No. 48 of Deeds, at pages 425, etc., do hereby grant to the Regents



of the University of California, a corporation duly formed and existing under the laws of the State of California, all that real property situated in Oakland Township, Alameda County, and State of California, bounded and described as the same is particularly bounded and described in the said agreement, and being part of plot number (sixty-nine) 69, as shown on Julius Kellersberger's map of subdivision of Vicente and Domingo Peralta's portion of the Rancho San Antonio, said portion of said plot containing ten acres. This grant is made upon and subject to all the conditions expressed in the said foregoing agreement; except, that I hereby agree that the said grantee has become entitled to this conveyance, and to the use and occupation of the said tract of land, by the terms of said agreement.

Conditions

In Witness Whereof, I have hereunto set my hand and seal this first day of April, in the year one thousand eight hundred and seventy-three.

GEO. M. BLAKE.

[Duly executed and recorded, Liber 89 of Deeds, p. 353, Records of Alameda County.]

By accident the Blake donation is printed here instead of at page 175, its proper place.



PART V

GRANTS AND LICENSES



## GRANTS AND LICENSES.

## 1.—Regents to Mary E. Brayton.

This indenture, made the twenty-eighth day of November, A. D. one thousand eight hundred and seventy —, between the Regents of the University of California, party of the first part, and Mary E. Brayton, of Oakland, Alameda County, California, party of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of thirty thousand dollars, lawful money of the United States of America, to it in hand paid by the said party of the second part, at or before the ensembling and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained and sold, conveyed and confirmed, and by these presents does grant, bargain and sell, convey and confirm unto the said party of the second part, and to her heirs and assigns forever, all those certain pieces or parcels of land, situate, lying, and being in the County of Alameda, State of California, bounded and described as follows, to wit: \* \* \*

[See description on pages 168 ff.]

To have and to hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, her heirs and assigns forever. Excepting and reserving out of and from this conveyance and out of the premises, firstly, secondly, and fourthly above described, the right to the water arising upon or flowing across the same, so far as it shall be needed for the use of the University of California, and the right to enter upon said land for the purpose of constructing and laying the necessary pipes to make the same available, the same to be exercised in such manner as not to interfere with the use and occupation of the land for cultivation and to do no damage to the crops thereon.

Water rights  
reserved

[Recorded in Liber 61, p. 198, Records of Alameda County.]

### 2.—Pipes of Alameda Water Company.

A license revocable at the pleasure of the Board of Regents, is hereby granted to said petitioner (Alameda Water Co.) to pass underground over the eastern boundary of the University grounds to a point where a certain roadway intersects Strawberry Creek as shown by the accompanying map, thence, following said roadway southerly and westerly in the direction of Prospect Street, over the lands recently purchased from H. A. and Jane O. D. Palmer.

[September 10, 1890.]

### 3.—Permit for Street Railway on Oxford Street and Allston Way.

*Resolved*, That a street railway on Oxford Street, from Center Street to Allston Way, and on Allston Way from Oxford Street to Dana Street, is for the advantage and benefit of the State University and the convenience of the various officers and students of said University, as well as for the citizens of the State at large who visit the University. That in view of such advantage the Oakland Consolidated Street Railway Company, a corporation, is hereby licensed and allowed to construct its tracks in a manner authorized by the franchise therefor heretofore granted by the Trustees of the town of Berkeley, except that said Oakland Consolidated Street Railway Company shall construct along and upon the street and way above named only one track or roadway, with one switch or turnout about equi-distant from said Oxford and Dana Streets. And to thereafter use said street and way only, however, during the pleasure of the Board of Regents; *and provided*, said corporation shall, before entering upon said street and way, accept by resolution this license revocable at the pleasure of said Board of Regents, and shall, moreover, agree to remove its property of every nature and kind from said

Condition

portions of said street and way, upon the demand of said Board of Regents, whenever such demand shall be hereafter made.

*Resolved further*, That upon receipt of said resolutions so required to be passed by said Oakland Consolidated Street Railway Company, by the Secretary of the Board, certified by the counsel of the Board to be satisfactory, said street railway company may enter upon said portions of said street and way, and proceed to construct its tracks and appliances necessary to use the same.

*Resolved further*, That these resolutions shall constitute the revocable license above referred to, and that a copy thereof shall be immediately forwarded by the Secretary to said Oakland Consolidated Street Railway Company.

*Provided*, That said railway company shall leave the roadway on the side of the University grounds in as good condition as it now is, and shall, so long as this privilege exists, maintain it in equally good condition.

Roadway

[February 9, 1892.]

#### 4.—Railroad Improvements on the North End of Choate Street or Telegraph Avenue.

OAKLAND, August 26, 1892.

*To the honorable Board of Regents, University of California:*

GENTLEMEN: The Pacific Improvement Company, now being engaged in constructing an electric railroad between Oakland and Berkeley, with its northern terminus on Choate Street, adjacent to your grounds, desires the privilege of erecting one of its poles on the northerly line of the street known as Allston Way. The desired location of pole is at the intersection of the center line of Choate Street, if produced northerly, and the fence now standing on the southerly line of your inclosed grounds. Such

privilege, if granted, to be subject to any conditions, restrictions, or limitations you may deem proper to impose.

Respectfully,

H. R. GUPPY,

Engineer and Superintendent, for Pacific Improvement Company.

*Resolved*, That the application of the Pacific Improvement Company, presented by H. R. Guppy, Engineer and Superintendent for said Pacific Improvement Company, August 26, 1892, be and the same is hereby granted, upon Condition the condition that this privilege is held and enjoyed at the pleasure of the Regents of the University of California, and subject to such regulations and restrictions as the said Board may from time to time prescribe; and also upon the express agreement that said Pacific Improvement Company will quit and surrender such occupation of said point in said application mentioned, as it may enjoy, and remove its said property and all of it, as mentioned in said application, whenever requested to do so by the said Board of Regents.

[September 6, 1892.]

**5.—Permit to F. L. Such to Erect a Bridge.**

*Resolved*, That F. L. Such be and he is hereby allowed to use the road over the University grounds, down and along Strawberry Creek, until further notice, and that he may at his own expense make such repairs thereon as may be, in the opinion of the Secretary of the University of Condition California, necessary; provided, and upon the condition that said F. L. Such will execute and file with the Secretary of this Board an agreement to the effect that he will cease and abandon all use of said road, and all improvements and repairs made thereon, upon written request served upon him or his agent in charge of the Such ranch, near the source of said Strawberry Creek, situated in Alameda County, California, and that this permit shall not be assigned or transferred.



THIS AGREEMENT, made this eighteenth day of October, 1893, by and between F. L. Such, the party of the first part, and the Regents of the University of California, party of the second part,

*Witnesseth:* That whereas, the party of the second part has, by resolution passed on the tenth day of October, 1893, a copy of which is hereto attached, marked "A," and made a part hereof, licensed said party of the first part to use and improve that certain private road along Strawberry Creek;

Now, in consideration of said permit, said party of the first part hereby covenants and agrees to cease and abandon all use of said road, and to deliver all improvements thereon to said party of the second part whenever requested so to do; and also that the said party of the first part will not assign or transfer said license or improvements.

In Witness Whereof, said party of the first part has hereto affixed his hand and seal the date first above written.  
[October 10, 1893.]

#### 6.—Lease of Portion of Lick Observatory Reservation.

*Resolved,* That Professor James E. Keeler, Director of the Lick Observatory, be and he is hereby authorized to sign an agreement in the nature of a lease, on behalf of the Board of Regents, giving James H. Kincaid and James T. Harney, of Smith Creek, the exclusive use of that portion of the Lick Observatory reservation which lies north of the county road and west of the brickyard. Said agreement or lease to contain a stipulation that said land shall be used only for the purpose of grazing cattle, and that sheep will not be placed upon it or allowed to enter upon the land, and that said James H. Kincaid and James T. Harney shall build a fence sufficient to confine their stock within the limits of the leased land. That as a consideration for the use of said land for grazing purposes, Messrs. Kincaid and Harney shall deliver to the Lick Observatory,

Consideration

as called for by the Director, eight (8) cords of four-foot (4) wood per annum during the continuance of their use of the land; *provided*, that no part of said eight cords of wood shall be cut on any portion of the land of the Lick Observatory. The agreement to be for the period or term of five (5) years, and thereafter to be terminated at one year's notice from either party to the agreement to the other.

Term

[January 25, 1900.]

#### 7.—Right of Way Granted to Standard Electric Company.

*Whereas*, The Regents of the University of California have adopted a resolution in the following words, to wit:

*Resolved*, That the Regents of the University of California authorize the Standard Electric Company of California, a corporation, to erect and maintain, through the lands of the University, known as the Flood Estate, situated in the County of San Mateo, State of California, two lines of poles, with the necessary wires, conductors, appliances, connections, and fastenings, for the transmission of electricity. The said poles shall be of any suitable material and form, and shall be erected and maintained by the said company, subject at all times to the direction and approval of the Regents, in a straight line along the northeast fence, as the said fence now exists, separating the salt pasture from the salt marsh of the said estate.

Revocable  
license

This authority is understood to be a license, revocable at the pleasure of the Regents, upon written notice of sixty days given by the Regents to the said company, or to any agent or employé thereof. In the event of revocation the said company shall immediately remove from the said lands all of the said poles, wires, conductors, appliances, connections, and fastenings, and shall immediately restore the said lands, as near as can be done, to their present condition.

This license is conferred upon the condition that the said company shall be liable for and shall pay to the Regents, their tenants or employés, all damages of every kind which may be caused to or suffered by the Regents, their tenants or employés, as the case may be, and shall hold the Regents, tenants or employés, as the case may be, harmless from all damages of every kind which may be caused or suffered in any way by reason, in any manner whatsoever, of the erection or maintenance of the said poles, wires, conductors, appliances, connections, or fastenings. Liability

Should any accident occur to the said poles, wires, conductors, appliances, connections, or fastenings, which, in the opinion of the Regents, or their agents or employés, is liable to cause injury to person or property upon the said lands, then the Regents, or their employés, may immediately use such means, even to the destruction of the said poles, wires, conductors, appliances, connections, or fastenings, as in their opinion may prevent or lessen such injury, without liability to the said company therefor. Accident

This license shall include permission to the said company, by its agents and employés, to enter upon the said lands, but solely for the purpose of erecting, maintaining, altering, repairing, and inspecting the said poles, wires, conductors, appliances, connections, and fastenings.

This license shall take effect when the terms and conditions thereof shall be assented to and accepted by the said company by resolution duly adopted by the Board of Directors thereof, and a copy of such resolution, certified by the Secretary of the said company to be a full, true, and correct copy of such resolution, shall have been received by and filed in the office of the Secretary of the Regents.

Now, therefore, be it

*Resolved*, That this corporation, in consideration of the license conferred upon this corporation by the said resolu-

tion, do hereby assent to and accept the terms and conditions of the said license; and be it further

*Resolved*, That the Secretary of this corporation be and he is hereby directed to transmit to the Secretary of the Regents of the University of California a copy of this resolution, certified, under the seal of this corporation, to be a full, true and correct copy of this resolution.

[Approved, March 12, 1901.]

#### 8.—License to Spring Valley Water Works.

*Resolved*, That the President of the University of California and the Secretary of the Board of Regents of the University of California, be and they are hereby authorized and directed to make and execute, in the name of the Regents of the University of California, to the Spring Valley Water Works, a grant of right of way in the following words and figures:

THIS INDENTURE, made this —— day of ——, A.D. 1902, by and between the Regents of the University of California, a corporation organized and existing under and by virtue of the laws of the State of California, and A. S. Baldwin, of the City and County of San Francisco, State of California, the parties of the first part, and the Spring Valley Water Works, a corporation organized and existing under and by virtue of the laws of the State of California, the party of the second part.

WITNESSETH: That the parties of the first part, for and in consideration of the sum of ten dollars, to them in hand paid by the party of the second part, the receipt of which is hereby acknowledged, do hereby convey and grant to the party of the second part, its successors and assigns, the right to construct and maintain thereon, with free ingress and egress in addition to the present trestle-work and pipe-line of the Spring Valley Water Works, additional trestles, pipes and conduits, with their appurtenances, and

the privilege and right of way over, on or under a strip of land thirty-three (33) feet in width, more particularly described as follows:

Commencing on the southerly line of the northwest quarter of the northwest quarter of section nineteen (19), township five (5) south, range two (2) west, Mount Diablo Base and Meridian, at the point where a line five (5) feet southeasterly from and parallel to the southwesterly line of the present trestle-work of the Spring Valley Works intersects the said southerly line of the northwest quarter of the northwest quarter of said section nineteen (19), thence running in a northeasterly direction and parallel to the said southeasterly line of the Spring Valley Water Works' trestle-work and five (5) feet distant therefrom, thirty (30) chains more or less, to the easterly boundary line of lands jointly owned by the Regents of the University of California and A. S. Baldwin, thence running northwesterly along the said easterly boundary line forty (40) feet, more or less, to a point where a line parallel to and thirty-three (33) feet northwesterly from the first described line along the southeasterly side of the Spring Valley Water Works' trestle-work intersects the said boundary line, thence southwesterly and parallel to the first described line, and thirty-three (33) feet northwesterly therefrom, thirty (30) chains, more or less, to the said southerly boundary line of the northwest quarter of the northwest quarter of section nineteen (19) first above mentioned, thence east, and along said line, forty-five (45) feet, more or less, to the point of commencement.

The said party of the second part is to bridge, at its sole cost and expense, when called upon to do so by the parties of the first part, or their successors in interest, over the said pipe-lines and rights of way hereby granted, not exceeding three (3) in number, for the purpose of crossings,—inclines not to be steeper than one (1) foot in ten

Crossings

(10) feet on both sides and not to exceed sixteen (16) feet in width, after future trestle and conduit lines are constructed.

In Witness Whereof, the Regents of the University of California, by the President of the University of California and the Secretary of the Board of Regents of the University of California, thereunto duly authorized, has hereunto affixed its corporate name and seal, the said A. S. Baldwin has hereunto set his hand and seal, and the said Spring Valley Water Works, by its president and its secretary, thereunto duly authorized, has hereunto affixed its corporate name and seal, the day and year above written.

*And resolved*, That the President of the University of California and the Secretary of the Board of Regents of the University of California, be and they are hereby further authorized and directed, on behalf of the Regents of the University of California, to deliver to the Spring Valley Water Works the said grant, upon the receipt by them from the Spring Valley Water Works of a sum of money equal to one-half of seventy (70) cents per linear foot of the said right of way.

Consideration

See page 187.

[March 11, 1902.]

#### 9.—Lease to International Geodetic Association.

THIS INDENTURE, made the eleventh day of January, 1902, between the Regents of the University of California, a corporation, the party of the first part, and the International Geodetic Association, party of the second part,

WITNESSETH: That the said party of the first part has leased and demised by these presents unto the party of the second part upon the consideration of One Dollar, the receipt whereof is hereby acknowledged, and for the further consideration that the party of the second part has

made a gift to the party of the first part of the same premises herein described, the following described premises.

All that certain lot, piece or parcel of land situate, lying and being in the County of Mendocino, State of California, and bounded and particularly described as follows, to-wit:

The east one-half of lot number Eight of Charles Luce's subdivision of Lot Eighty-five of Yokayo Rancho, according to a map or plat of the same as surveyed October 5th, 1887, by William Van Allen and known as Luce's Addition to the town of Ukiah City, said map and plat being filed at request of Wm. Van Allen in the office of the County Recorder of Mendocino County on the 9th day of November, 1887, the said east one-half of lot number Eight being more particularly described as follows, to-wit:

Beginning at a point on the southerly line of Luce Avenue according to said map, at the northeast corner of said lot number Eight running thence westerly along the said southerly line of said Luce Avenue, two hundred and eight (208) and fifty-five (55) hundredths feet; thence southerly in a straight line five hundred and thirty-three (533) and seventy (70) hundredths feet to a point on the northerly line of Park Avenue midway between the southeast and the southwest corners of said lot number Eight. Thence easterly along the northerly line of Park Avenue, two hundred and ten (210) and twenty-five (25) hundredths feet to the southeast corner of said lot number Eight; thence northerly along the easterly line of lot number Eight, five hundred and thirty-three (533) feet to the place of beginning, containing two and one-half acres of land, more or less.

With the appurtenances thereof for the term of ten Term years from the date hereof.

*Provided*, That the party of the first part shall not become liable for any expenses whatsoever for said property, but shall be held by the party of the second part free and harmless therefrom.

In Witness Whereof, the party of the first part by resolution duly passed has caused these presents to be subscribed by the President and the University of California, and its corporate name and seal to be hereunto affixed the day and year first above written.

See page 215.

#### 10.—Agreement with Miss Flood.\*

THIS AGREEMENT, made this eighth day of September, in the year of our Lord one thousand nine hundred and three (1903), between the Regents of the University of California, a corporation, the party of the first part, and Cora Jane Flood, of the City and County of San Francisco, State of California, the party of the second part, witnesseth:

WHEREAS, The party of the first part, by its deed dated this day has granted, bargained, sold and conveyed unto the party of the second part all those certain lots, pieces or parcels of land, situate, lying and being in the County of San Mateo, State of California, and bounded and described as follows, to wit: \* \* \*

AND WHEREAS, The party of the second part has this day paid to the party of the first part the sum of one hundred and fifty thousand (\$150,000) dollars in United States gold coin, as the consideration for the said deed and for the execution by the party of the first part of this agreement; and,

WHEREAS, The said lots, pieces or parcels of land have been heretofore and are now supplied with water by the Bear Gulch Water Company, a corporation, in which the party of the first part is the principal stockholder;

Water supply

*Now, therefore,* The party of the first part hereby agrees that, from the date hereof until the thirteenth day of September, A.D. 1948, except as hereinafter provided, it

\* Contained in full in Minutes of the Board, Vol. 14, p. 111; Sept. 8, 1903.



will pay, without cost or charge of any kind to the party of the second part, or to her successors in estate, hereinafter mentioned, for the water supplied by the said Bear Gulch Water Company, or its successors, to the party of the second part, or to her said successors in estate, for use and consumption by the party of the second part, or by her said successors in estate, upon the said lots, pieces or parcels of land, or any thereof, not to exceed in the aggregate twenty-four million gallons in one year, it being expressly understood and agreed that if less than the said quantity of twenty-four million gallons shall be supplied as aforesaid in any one year, the party of the first part shall pay for such lesser quantity only as may be so supplied, and shall not thereafter at any time pay for the difference between such lesser quantity and the said quantity of twenty-four million gallons, and it being also understood that the party of the first part hereby recognizes that it is morally bound to see to it, as far as it is able to do so, that water is supplied as aforesaid by the said Bear Gulch Water Company, or its successors.

And it is hereby further agreed that is before the said 13th day of September, A.D. 1948, neither the party of Term the second part, nor any of her said successors in estate, namely her brother, James L. Flood, the wife of the said James L. Flood, and the issue or descendants of the said James L. Flood, shall own, in fee simple, any of the said lots, pieces or parcels of land, then the obligation hereinbefore contained on the part of the party of the first part to be performed shall end as to such lots, pieces or parcels of land of which the party of the second part, and her said successors in estate, shall cease to be the owners in fee simple as aforesaid, from and after the time the party of the second part and her said successors in estate shall so cease to be the owners in fee simple.

This agreement is made for the benefit of the party of the second part, and of her said successors in estate.

In Witness Whereof, the party of the first part has hereunto, by resolution duly adopted, caused its name to be subscribed by its President and Secretary, and its corporate seal to be affixed by its Secretary, and the party of the second part has hereunto subscribed her name, the day and year first above written.

[September 8, 1903.]

See above p. 187.

PART VI

**ORDERS OF THE BOARD**



## OFFICERS AND MEETINGS.

1.—The regular officers of the Board shall consist of a President, who is the Governor of the State, as provided by law, a Secretary, a Treasurer, a Land Agent, and an Attorney. The offices of Secretary and Land Agent may be held by the same person.

Officers

[See page 28.]

2.—It shall be the duty of the President of the Board to preside at its meetings. In case of his absence, or of his inability to act, his place may be supplied, *pro tempore*, for that meeting, by any member of the Board who may be chosen for that purpose by a majority vote of all the members present.

President of Board

[See page 28.]

3.—The Secretary, Treasurer, Land Agent, and Attorney shall be elected by the Board and shall hold office during the pleasure of the Board. The Secretary, Land Agent, and Treasurer shall give bonds for such amounts and in such form as the Board shall prescribe.

Officers elected

[See page 34.]

## Secretary.

4.—It shall be the duty of the Secretary to give notice of all meetings of the Board; to keep and duly record the minutes of its proceedings in a book provided for that purpose; to discharge the duties required of him by law; and to assist the President of the University, the committees of the Board, and the Treasurer, in the discharge of their duties, whenever required by them. In case of the absence of the Secretary, or of his inability to act, his place may be supplied by appointment of the Board, *pro tempore*.

Secretary's duties

[See page 34.]

Documents in  
minutes

5.—No documents, other than reports of committees, shall be spread upon the minutes of the Board unless so ordered.

[See page 316.]

Communica-  
tions through  
Secretary

6.—Communications, other than from professors and instructors, intended for the Board, may be delivered to the Secretary who shall report them to the Board at its next regular meeting thereafter; or they may be presented directly to the Board.

Reports, etc., to  
be filed in  
archives

7.—All reports, letters, and other documents presented to the Board must be immediately placed in the hands of the Secretary who shall file them in the archives of his office.

Date of filing  
and index of  
documents

8.—The Secretary shall indorse upon all documents presented to the Board the date of filing and the number of the same in the order of filing, and shall keep and preserve an index thereof by subjects.

Report of  
condition of  
budget  
allotments

9.—The Secretary shall present to the Board, at each regular meeting thereof, a statement showing the disbursements for the last preceding calendar month from the budget allotments, the total disbursements from the budget allotments from the beginning of the fiscal year to the end of such calendar month, and the unexpended balance in each budget allotment.

Report of  
official acts

10.—The Secretary shall report to the Board, at each regular meeting thereof, his official acts since the last preceding regular meeting of the Board.

Acceptance of  
work done under  
contract

11.—The Secretary is authorized, on behalf of the Board, to file acceptances of work done under contracts with the Board, upon certification by the architect thereof.

12.—The Secretary is authorized, on behalf of the Board, to file claims against insurance companies for any loss of property of the University insured in such companies, to execute and make oath to proofs of such loss, and to appoint appraisers to appraise such loss, in accordance with the terms of the policies of insurance, and to receive payments thereunder and to execute receipts and releases therefor.

Claims for  
insurance

13.—The Secretary shall procure for purchases in foreign countries open policies of insurance in sufficient amounts to cover contemplated shipments, and upon receipt by him of the invoices and bills of lading for such shipments, he is authorized to approve for payment the bills therefor.

Insurance for  
purchases  
abroad

14.—The Secretary shall make an annual report to the Board of the conduct of his office and of his official acts up to the close of each fiscal year.

Secretary's  
report

### **Treasurer.**

15.—It shall be the duty of the Treasurer to receive and take charge of all moneys of the University subject to the control of the Board; to disburse the same on the warrants of the President of the Board and the Secretary, drawn upon him in pursuance of the orders of the Board; and to make a full report of his receipts and disbursements at each regular meeting of the Board, and at such other times as the Board may specially direct. All moneys received by the Treasurer on account of the University shall be deposited by him without delay to the credit of "The Regents of the University of California."

Treasurer's  
duties

16.—All moneys collected by the Secretary, or by any other officer or agent of the Board for account of the University, shall be deposited with the Treasurer immediately upon such collection.

Moneys to be  
deposited with  
Treasurer

Warrants, how  
drawn

17.—Warrants for all disbursements of moneys shall be drawn upon the Treasurer, in his favor, by the President of the Board and the Secretary, in pursuance of the orders of the Board. The Treasurer shall immediately disburse by his separate checks the moneys represented by warrants so drawn, and shall deliver such checks to the Secretary for the payment of the accounts represented by such warrants.

[See page 43.]

Treasurer's  
checks

Notification of  
interest and  
renewal of  
insurance

18.—It shall be the duty of the Treasurer to notify borrowers of interest due, and to procure the renewal of insurance policies held as security therefor.

Bonds for  
Consolidated  
Perpetual  
Endowment  
Fund

19.—The Treasurer of the University, in remitting to the State Treasurer bonds belonging to the University to be placed to the credit of the Consolidated Perpetual Endowment Fund of the University, shall advise the State Controller of such remittances at the time the same are made.

[See page 81.]

Deposit of  
notes,

20.—All notes and mortgages, and insurance policies held as security therefor, shall be deposited with the Treasurer.

securities,

21.—All bonds, stocks, and other securities not deposited with the State Treasurer shall be deposited with the Treasurer of the University.

and mortgage  
papers

22.—In all cases where loans are made, the note, the mortgage, the application, the report of the examiner, the abstract of title, and the opinion of the Attorney shall be deposited with the Treasurer.

#### Land Agent.

Land Agent's  
duties

23.—The Land Agent is authorized and empowered to commence and prosecute through the Attorney, in the name of The Regents of the University of California, all suits necessary to enforce the collection of arrears of interest



due, or which may become due, on account of sales of land by the University, when the purchasers thereof fail to comply with the terms of their contracts with the University.

24.—The Land Agent shall make an annual report to the Board up to the close of each fiscal year. Report

#### Attorney.

25.—The Attorney shall attend all meetings of the Board and all meetings of committees at which his presence is requested. He shall attend to all legal matters pertaining to the University. Attorney's duties

#### Meetings.

26.—The regular meetings of the Board shall be held in San Francisco on the second Tuesday of each month, and at the seat of the University on the day preceding Commencement Day in May of each year. Meetings, time and place of

[See page 44.]

27.—The room and adjoining anteroom on the southwest corner of the second floor of the Hopkins Institute of Art, shall be set aside for the exclusive use of the Regents, and all meetings of the Board to be held in San Francisco, shall be held in such rooms. Room for meetings

28.—The President of the Board, or any four members thereof, may call special meetings of the Board at any time; and notice of the time, place, and purpose thereof shall be given to each Regent by the Secretary, by letter or telegram, addressed to him at his last known place of business or residence, at least twenty-four hours before the time appointed for such meeting. Service of such notice as aforesaid shall be entered upon the minutes of the Board, and the said minutes, when read and approved at a subsequent meeting of the Board, shall be conclusive upon the question of service. Special meetings,

and business to  
be transacted

29.—No business other than that mentioned in the notice of a special meeting shall be considered at such meeting.

Notification of  
meetings

30.—The Treasurer, the Attorney, the Deans of the Affiliated Colleges, and the Director of the Lick Observatory shall be notified of the time of meetings of the Board.

Quorum and  
adjournment

31.—Seven Regents shall constitute a quorum for the transaction of business. Any meeting may be adjourned, and its business continued to an appointed day, by the vote of a majority of the Regents present.

[See page 44.]

#### Order of Business.

Order of  
business at  
regular,

32.—The following shall be the order of business at each regular meeting:

1. Roll call.
2. Reading, correction, and approval of the minutes of the last meeting.
3. Report of the President of the University.
4. Reports of standing committees.
5. Reports of special committees.
6. Reports of the Secretary, Land Agent, and Treasurer.
7. Unfinished business.
8. New business.

and special  
meetings

At special meetings the order of business shall be the special purpose or purposes for which the meeting was called.

Suspension

The regular order of business may be suspended at any meeting by a vote of two-thirds of the Regents present.

Rules of order

33.—Roberts' Rules of Order is adopted to govern the proceedings of the Board, in so far as it shall not be inconsistent with the orders of the Board or the laws governing the Board.

### Reports and Resolutions.

34.—All resolutions presented to the Board shall be in writing. Resolutions

35.—All reports to the Board shall be presented in writing. Reports

### Committees.

36.—There shall be the following standing committees:

On Finance,  
On Grounds and Buildings,

} each consisting of List of standing  
committees  
five appointed  
members;

On Equipment and Supplies,  
On Agriculture and Experiment Stations,  
On Colleges of Medicine and Dentistry,  
On Library and Museum,  
On Lick Observatory,  
On Wilmerding School,  
On Flood Endowment,

} each consist-  
ing of three  
appointed  
members.

37. The President of the Board and the President of the University shall be *ex officio* members of all standing and special committees, in addition to the appointed members of such committees. Presidents  
members of  
committees

38.—The Board, at its regular meeting in May in each year, shall nominate the members of the several standing committees and shall recommend them to the President of the Board for his confirmation. Vacancies shall be filled through nomination by the Board, subject to confirmation by the President of the Board. Members of standing committees shall hold office until their successors shall be confirmed by the President of the Board. The member whose name appears first in order on the list of a standing committee, as confirmed by the President of the Board, shall be the chairman of that committee. Each committee, Nomination,  
confirmation,  
and vacancies  
in standing  
committees  
  
Chairman

and  
Vice-chairman

upon confirmation, shall elect a vice-chairman, who shall act as chairman in the absence or inability of the chairman to act.

Powers of  
standing  
committees

39.—The several standing committees are specially charged with the immediate care and supervision of the subject-matters respectively indicated by, and properly relating to, their titles, which matters unless declared urgent by a two-thirds vote of the Board shall be respectively so referred; and the committees shall severally report progress, or finally, at the next regular meeting of the Board following the reference.

Regular  
meetings  
of standing  
committees

40.—The regular meetings of the standing committees shall be held at least once in each month, at times and places to be fixed by each of such committees.

Special  
committees

41.—Special committees may be created at any meeting of the Board to act upon any matters not properly belonging to a standing committee. Such committees shall be appointed by the President of the Board, or by resolution, and must report at the regular meeting of the Board next after their appointment, or at such other time as may be directed.

Special  
meetings

42.—Special meetings of a committee may be called by the chairman of that committee. In case of the absence of the chairman or of his inability to act, the vice-chairman of the committee is authorized to call such meetings. The President of the University is authorized to call a special meeting of any committee at any time.

Joint  
committees

43.—Any matter may be referred to a joint committee composed of two or more standing committees, or composed of a standing and a special committee. Such joint committee shall elect its own chairman, and a majority of its members shall make the report for such joint committee.

44.—The Secretary shall notify the members of each committee of the time and place of all meetings thereof, and shall attend and keep minutes of the proceedings of all meetings.

Notification of  
committee  
meetings

45.—A number equivalent to a majority of the appointed members of any committee, regular or special, shall constitute a quorum of such committee.

Quorum of  
committee

#### Committee on Grounds and Buildings.

46.—The Committee on Grounds and Buildings is authorized and empowered to amend or enlarge any contract made by it by authority of the Board. All such amendments or enlargements shall be reported to the Board for confirmation at the next regular meeting of the Board thereafter.

Amendment and  
enlargement of  
contracts

#### Finance Committee.

47.—The Finance Committee shall present to the Board at the regular meeting of the Board in April in each year, a budget apportioning to the several departments of the University the estimated income of the University for the ensuing fiscal year, commencing on July first following. The budget as adopted by the Board, and as subsequently modified or amended by the Board, shall remain in force, subject to further modification or amendment, until a new budget shall be adopted by the Board.

Budget

[See page 43.]

48.—The Finance Committee shall cause the books of account of the University to be audited at least once in every three months and shall report on the audit to the Board at the next regular meeting thereof after the audit shall have been made.

Audit of books

Bills to be  
approved  
by quorum  
of committee  
after meeting

49.—The Finance Committee shall not approve for payment any bills presented to it which require to be first approved by another committee of the Board, unless such bills shall have been approved by a quorum of the latter committee at a meeting thereof duly called and held.

Savings bank  
deposits

50.—The Finance Committee is authorized and empowered to withdraw from savings banks any and all moneys therein deposited to the credit of The Regents of the University of California, whenever the Committee shall deem it advisable, and, under the instructions of the Board, to invest the same.

Purchase of  
improved real  
property

51.—The Finance Committee is authorized and empowered to negotiate, subject to the approval of the Board, for the purchase of improved real property in the State of California, provided such property will realize at the time of the purchase an income of not less than five per cent. per annum, net, on the purchase price of the same.

Loans on  
real property

52.—The Finance Committee is authorized and empowered to loan on first mortgages of real property in the State of California such moneys of the University as may be available for loans, at rates of interest not less than five per cent. per annum, and for terms not exceeding five years, after the title to such property shall have been approved by the Attorney.

Renewal of  
loans

53.—The Finance Committee is authorized and empowered to renew loans upon their maturity, upon the same terms and conditions as those upon which the loans were originally made, and to reduce the loans when so renewed to such amounts as it may deem proper.

**Financial Matters.**

- 54.—All orders or resolutions authorizing the expenditure or directing the payment of money shall be passed only by a majority vote of the Regents present at a meeting of the Board, on a call of the roll by ayes and noes, and such vote shall be recorded at length in the minutes of the Board. Orders for payment of money
- 55.—The Board shall not vote upon an appropriation of five hundred dollars (\$500), or over, until the Finance Committee shall have first reported upon such appropriation. Appropriation of \$500 or more to be reported on by Finance Committee
- 56.—No demands or bills shall be ordered paid by the Board until the same shall have been first approved by the proper committee and also by the Finance Committee, except upon a majority vote of two-thirds of the Regents present at a meeting of the Board and on a call of the roll by ayes and noes, and such vote shall be recorded at length in the minutes of the Board. Bills to be approved by committee and audited by Finance Committee
- 57.—The wages of laborers, janitors, artisans, policemen, watchmen and employés of the printing office shall be paid semi-monthly. Semi-monthly payment of employés
- 58.—The Chairman of the Finance Committee is authorized and empowered to approve the current salary rolls, certified by the President of the University and by the Secretary, on or after the fifteenth day of each month, for the current month. Immediately after such approval, the Secretary shall forward to the President of the Board for his signature the warrant drawn upon the Treasurer for such salaries. Such warrant, when signed by the President of the Board, shall be delivered to the Treasurer, who shall deliver to the Secretary, on the last business day of each month, his separate checks, in payment of such salaries, to the persons to whom the salaries are due and payable. Approval of salary rolls  
  
Warrant  
  
Checks from Treasurer

Advances for  
urgent claims

59.—The Treasurer, upon the approval by the President of the University and by a majority of the members of the Finance Committee, is authorized and empowered to advance sufficient funds to pay urgent claims against the Board, and also to pay the semi-monthly wages of laborers, janitors, artisans, policemen, watchmen, and employes of the printing office. Such advances shall be reported to the Board for approval at the next regular meeting of the Board thereafter.

Loans,

60.—All applications for loans shall be made in such form as shall be provided by the Finance Committee.

procedure in

61.—When a loan shall have been made on mortgage by the Finance Committee, the President of the Board and the Secretary shall, when requested by the Chairman of the Finance Committee, draw a warrant upon the Treasurer for the amount of such loan. The Treasurer shall thereupon deliver his check in favor of the borrower to the Attorney. If the title to the property mortgaged shall be approved by the Attorney, he shall deliver such check to the borrower, upon receiving from the borrower the securities properly executed for the loan; and after the mortgage shall have been properly recorded, he shall immediately notify the Treasurer of the date of the delivery of such check. All such loans shall be reported to the Board by the Finance Committee at the next regular meeting of the Board after the loans shall have been made.

Interest on  
loans, when  
to begin

62.—All loans on mortgages made by the Finance Committee shall commence to bear interest immediately upon the delivery of the check of the Treasurer therefor to the borrower; provided, however, that in the case of loans made upon property on which a building is to be erected, the loans shall commence to bear interest at such times as may be provided by the Finance Committee.



63.—The President of the Board and the Secretary are authorized and empowered to execute in the name of The Regents of the University of California and to affix the corporate seal thereof to releases of mortgages, when the same shall have matured, upon orders therefor signed by a majority of the members of the Finance Committee, and upon certificates, signed by the Treasurer and by a majority of the members of the Finance Committee, that the principal and interest, and all other charges thereon, have been paid. The releases, when so executed, shall be delivered by the Secretary to the Attorney, and thereupon the Treasurer shall deliver to the Attorney the mortgages so released and the notes secured thereby, and any other securities held for the loans secured by such mortgages, and thereupon the Attorney shall deliver such releases, mortgages, notes and other securities to the persons entitled thereto.

Release of  
mortgage after  
maturity

64.—The President of the Board and the Secretary are authorized and empowered to execute in the name of The Regents of the University of California and to affix the corporate seal thereof to releases of mortgages, when the loans secured thereby shall have been renewed, upon orders therefor signed by a majority of the members of the Finance Committee, and upon certificates, signed by the Treasurer and by a majority of the members of the Finance Committee, that new notes and mortgages have been executed in renewal of such loans and have been delivered into the custody of the Treasurer, and that all interest and other charges on the loans renewed have been paid. The releases, when so executed, shall be delivered by the Secretary to the Attorney, and thereupon the Treasurer shall deliver to the Attorney the mortgages so released and the notes secured thereby, and thereupon the Attorney shall deliver such releases, mortgages, and notes to the persons entitled thereto.

Release of  
mortgage after  
renewal

65.—In case any person in the employ of the University in any capacity, and receiving a salary or compensation

Deduction for  
payment of  
unauthorized  
bills.

therefor, shall assume irregularly, or without due authority, to incur any indebtedness on behalf of the University, and the same shall be paid by the University, the amount thereof shall be deducted from the salary or compensation of the person so incurring such indebtedness.

Requisitions  
for amounts  
exceeding  
five dollars

66.—No purchases exceeding five dollars (\$5) in amount shall be made in any department, except as otherwise provided in these Orders, without previous requisition upon the Secretary, duly signed and approved,

Requisitions  
on Books,

67.—Requisitions shall be made only on Requisition Books furnished by the Secretary.

in duplicate  
and signed

Requisitions shall be made in duplicate, and must be signed by the head of the department, or by some other member of the department authorized by the President of the University so to sign; and approved by the President of the University and by the Secretary.

When  
requisitions  
are unnecessary

Requisitions shall not be required where the Board has specifically ordered expenditures for definite purposes; nor for expenditures made under standing orders, authorized by the Board; nor for expenditures for periodicals, serials, blacksmithing, traveling expenses on University business, telegraphing, telephoning, labor or expressage; nor in the expenditure of contingent funds; nor for such other purposes as the President of the University may deem urgent.

U. S. and State  
appropriations

Requisition for the full amount of United States and State appropriations must be made before the fifteenth day of June in each year.

Indorsement

All requisitions must be indorsed with date, name, and amounts of liabilities incurred under such requisitions, and stamped "filled" when exhausted.

Unfilled  
requisitions

When a requisition has been approved, an order issued thereon, and a charge made therefor against an existing appropriation, the amount thereof shall be reported to the

Board and added to the apportionment for the next fiscal year if there remains an unexpended balance to the credit of such appropriation.

68.—The President of The Regents of the University of California is authorized and empowered to draw from the State Treasury, upon an order drawn upon the State Controller for a warrant on the State Treasurer in favor of the Treasurer of the University of California, at any time at which payments may become due or shall have become due, any and all moneys appropriated by the Legislature of the State of California for the uses of the The Regents of the University of California, and any and all moneys received by the State of California from the United States for the uses of The Regents of the University of California, and any and all moneys realized from the Consolidated Perpetual Endowment Fund of the University of California, interests, profits, income, or revenue arising therefrom, which are subject to disbursement to meet the current annual expenses of the University of California, and any and all interest received on bonds held in trust for The Regents of the University of California, and also the annual interest of forty-seven hundred and eighty-five dollars (\$4785), provided for by an Act approved March 3, 1893, as amended March 11, 1899.

Form of  
authorization  
for withdrawal  
of money from  
State treasury

[See pages 90, 93.]

69.—The State Treasurer is directed to pay over to the Treasurer of the University of California, all moneys paid into the State Treasury for the redemption of bonds belonging to the University in accordance with the terms of an Act entitled "An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same," approved March 7, 1883.

State Treasurer  
to pay over  
certain moneys

[See page 82.]

**REGENTS.**

Commissions  
of Regents

70.—Regents shall present their commissions upon their first introduction to the Board, and the Secretary shall enter upon the minutes the fact, with an abstract of the commissions.

[See page 28.]

Regents not to  
receive salary

71.—No Regent shall be elected or appointed by the Board to any position with a salary.

[See page 44.]

Regents not to  
be pecuniarily  
interested in  
University  
transactions

72.—No Regent shall be interested, directly or indirectly, in any contract with the Board, nor in furnishing any supplies to the University, nor in any purchases from the University, nor in the transportation of any goods with those purchased or transported for the University.

**SEAL.**

Form and  
design of seal

73.—The corporate seal of The Regents of the University of California shall be of the following form and design:



[See page 108.]

Seal not to be  
used on  
teachers'  
certificates

74.—The corporate seal shall not be used on recommendations for teachers' certificates.

**ACADEMIC SENATE.**

75.—The Academic Senate shall organize and shall perform such duties as are required by law, and shall exercise such other powers as the Board may confer upon it. It shall hold at least two sessions in each year at the seat of the University, and as many others thereat or elsewhere, as may be expedient.

Duties of  
Senate

[See page 37.]

76.—All persons authorized by the Board to engage in instruction in any of the colleges of the University are entitled to participate in the discussions of the Academic Senate; but the power of voting is confined to the President of the University, the professors, resident and non-resident, and the associate and assistant professors

Membership  
of Senate

[See page 38.]

77.—The Recorder of the Faculties shall be *ex officio* Secretary of the Academic Senate.

Secretary of  
Senate**ACADEMIC COLLEGES.**

78.—The following academic colleges are established:

List of  
Academic  
Colleges

College of Letters (classical course), leading to the degree of A.B.

College of Agriculture, leading to the degree of B.S.

College of Mechanics, leading to the degree of B.S.

College of Mining, leading to the degree of B.S.

College of Civil Engineering, leading to the degree of B.S.

College of Chemistry, leading to the degree of B.S.

College of Social Sciences, leading to the degree of B.L.

College of Natural Sciences, leading to the degree of B.S.

College of Commerce, leading to the degree of B.S.

[See pages 16, 18.]

**Admission of Students.**

**Applicants' age and character**      79.—Every applicant must be at least sixteen years of age, and must present a satisfactory certificate of good moral character.

[See page 30.]

**Women**      80.—Women shall be admitted to the University on equal terms with men.

[See page 67.]

**Examinations for admission, where held**      81.—Examinations for admission to the University may be held elsewhere than at the seat of the University, in the discretion of the Academic Senate, provided the expenses of such examinations be paid by the applicants.

**Normal school graduates**      82.—Graduates of the State Normal Schools of California may be admitted, without examination, to the status of special students in the University. The Academic Senate shall provide special courses, to continue two years, for such students; and on the successful completion thereof a certificate of that fact shall be granted to such students by the University.

[See page 150.]

**Visitation of Schools.**

**Principal may request accrediting**      83.—Upon the request of the Principal of any public or private school in California, in which the course of study embraces, in kind and extent, the subjects required for admission to any college of the University, a committee of the Academic Senate may visit such school, and report upon the quality of the instruction given therein. If the report of such committee be favorable, a graduate of the school, upon the personal recommendation of the Principal, accompanied by his certificate that the graduate has satisfactorily completed the studies of the course preparatory to the college he wishes to enter, may, in the discretion of the Faculty of such college, be admitted without examination.

[See page 153.]

84.—All applications made in accordance with the provisions of Article 83 must be in the hands of the Recorder of the Faculties, at the seat of the University, on or before the first day of December in each school year.

Date of annual application

85.—Before placing High Schools on the accredited list, it shall be the duty of the committee to ascertain that they are legally established High Schools.

Legal High Schools

86.—All expenses incident to the examination of private schools shall be borne by such schools, provided that no charge shall be made for the examination of private schools in the cities of San Francisco, Oakland and Alameda.

Expense of visiting private schools

87.—The Finance Committee may advance the necessary traveling expenses for visiting the schools throughout the State, upon receiving an estimate thereof approved by the President of the University.

Advance payment of traveling expenses

### Tuition Fee.

88.—No tuition fee shall be required from any student in any of the Academic Colleges, who is a resident of California.

No tuition to residents of California,

[See page 32.]

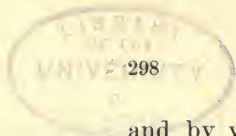
89.—Students not residents of California shall be charged a tuition fee of twenty dollars per annum in the Academic Colleges, payable in two installments of ten dollars each, the first at the opening of the fall term, in August, and the second at the opening of the spring term, in January.

\$20 to non-residents

### Fellows and Assistants.

90.—Persons appointed as Fellows shall be required to devote all their time to advanced study; except that on the recommendation of the head of the department concerned,

Duties of Fellows



and by vote of the Academic Senate, a Fellow may be allowed to offer advanced instruction in the immediate subject which he is studying, to an extent not exceeding two hours per week, or to assist advanced students in laboratory work not exceeding six hours per week.

Duties of Assistants

91.—Persons below the grade of Instructor, who assist in the work of the several departments, either by teaching or in other manner (except as provided in Article 90), shall be given titles suited to the character of their work, such as Assistant, Reader, Laboratory Assistant, or (in case of undergraduates) Student Assistant. Their compensation shall vary according to the amount and nature of the services rendered.

**Prizes.**

Prizes to be authorized

92.—No prize for intellectual work shall be offered to students in the Academic Colleges, except by express authority of the Board.

**University Register.**

Register, how published

93.—The Academic Senate shall prepare annually, as soon as possible in each University year, the Register of the University for publication, transmit the manuscript to the Printer, submit the proof sheets thereof to the President of the University and to the Secretary, and publish and issue the Register.

The Register shall bear on its title page: "Published by the Regents of the University of California."

**University Chronicle.**

University Chronicle

94.—The University Chronicle shall be published by the Academic Senate at such times as it shall deem expedient. The publication shall contain a record of the most important events relating to the University.



**Publication of Papers.**

95.—The Academic Senate may publish from time to time papers prepared by members of the Faculty and by graduate students. Papers

**Calendar.**

96.—The academic year shall be divided into two terms: a fall term of nineteen weeks, and a spring term of eighteen or nineteen weeks, as the case may be. Terms and vacations

The fall term shall close on the Saturday preceding Christmas eve.

The winter vacation shall be one of three weeks.

The summer vacation shall be one of twelve weeks.

The week of term or vacation shall be the calendar week.

**Course Preparatory to the Study of Medicine.**

97.—There shall be a course of study in the College of Natural Sciences, directly preparatory to the study of Medicine; and students who have completed such course before entering upon their work in the College of Medicine may be granted the degree of B.S. together with that of M.D., on completion of the medical course. Course leading to B.S. and M

**University Extension in Agriculture.**

98.—A Department of University Extension in Agriculture is created in connection with the College of Agriculture for the purpose of promoting Farmers' Institutes, and such other means of disseminating the benefits of agricultural science as may be deemed expedient. The general supervision of this department shall be entrusted to a special committee of three of the Faculty of the College of Agriculture, *viz*: the President of the University, the Professor of Agriculture, and the Professor of Agricultural Practice. University Extension in Agriculture  
Supervision

The Professor of Agricultural Practice shall be constituted the head of such department, with the title of Superintendent thereof. He shall have immediate supervision of the work of the department, and shall be held responsible for its prosecution.

[See page 68.]

Conductors of  
Farmers'  
Institutes

99.—There shall be appointed two assistants in the Department of University Extension in Agriculture, to be designated Conductors of Farmers' Institutes, one of whom shall reside at the seat of the University and have charge of the whole area of the State north of the Tehachapi Mountains, and the other shall have charge of, and reside in, that part of the State south of the Tehachapi Mountains.

#### Anthropology.

Advisory  
committee in  
Anthropology

100.—There shall be an Advisory Committee appointed by the President of the University for the Department of Anthropology, to suggest and to consider propositions for the development of the department; to direct, in accordance with the wishes of the patrons, the various expeditions, explorations, and researches provided for; to have the supervision of the collections received and to see to their safe-keeping; to have a record kept of all collections and objects received by the department; to endeavor to secure a Museum building; and to encourage and direct researches in the various branches of Anthropology.

Assistant  
Secretary of  
department

101.—There shall be appointed a salaried officer of the Department of Anthropology to be designated the Assistant Secretary and Executive Officer of the Department of Anthropology.

Scope of  
Department of  
Anthropology

102.—The department shall conduct special researches in the field and laboratory through its various subdivisions; preserve materials and data secured and promote the formation of a Museum; extend knowledge by publications and lectures; and establish courses of instruction and research in the University.

**Military Science.**

103.—Instruction in military science and tactics and in other military subjects shall be given during at least two hours per week for the first three years, and during at least one hour per week for the fourth year, to all able-bodied male undergraduate students in the Academic Colleges, whether pursuing regular or special courses, or as students at large. During the first and second years the instruction shall be chiefly in the school of the soldier, company, and battalion; during the third year chiefly in advance guard and outpost duties; during the fourth year chiefly in the science and art of war, field, and permanent fortification.

Extent of  
instruction in  
Military Science

[See pages 20, 77, 114.]

104.—The Professor of Military Science and Tactics shall specify the official uniform to be worn by Cadets in accordance with the regulations of the United States government.

Uniform of  
Cadets

Each student of the University subject to instruction and discipline in military tactics must procure within thirty days after his admission to the University an official uniform and wear the same when performing military duty. No other uniform shall be worn.

to be procured  
for exclusive  
use

The Secretary shall invite, in the usual manner, at or before the beginning of each academic year, proposals for supplying for one year uniforms in accordance with the specifications prepared by the Professor of Military Science and Tactics, and the contract for supplying such uniforms shall be awarded to the best bidder by the President of the University and the Professor of Military Science and Tactics, subject to the approval of the Board. When the cost of the uniform is ascertained, each student shall deposit with the Secretary a sum of money sufficient to cover the entire cost of his uniform, and the Secretary shall then give him an order on the contractor for his uniform. Any

Contracts for  
uniforms

Deposit by  
student

part of the uniform may be obtained in the manner prescribed for purchasing the whole. The bills therefor must be approved by the Secretary and the Professor of Military Science and Tactics.

#### Gymnasium Fee.

Locker and  
towel fee

105.—A fee of three dollars per annum shall be paid by all undergraduate students in the Academic Colleges on and after the end of the academic year 1904-5, in return for which the University will supply to each student a locker and towels at the gymnasiums.

#### University Library.

Constitution  
of University  
Library

106.—All manuscripts, books, periodicals, and maps belonging to the University shall be deposited either in the general library or in departmental libraries of the various departments of instruction. The general library and the several departmental libraries together shall constitute the University Library.

#### Library Administration.

Allotment of  
funds and  
general  
administration

107.—The Academic Senate, subject to the approval of the Committee on Library and Museum, shall allot the funds available for the purchase of books and periodicals; determine the manner of purchasing books; and, in general, direct the policy of the Library and advise the Librarian in its administration.

#### Librarian.

Librarian's  
duties

108.—The Librarian shall be entrusted with the custody and administration of the general library of the University and shall present to the Board, through the President of the University, annual, or other, reports upon its condition, growth, and needs.

Rules

He shall enforce all rules relating to the Library promulgated by the Board.

He shall collect fines for the undue detention of books and for damage to or loss of the same, and shall pay over all moneys so collected to the Secretary.

Fines

### Departmental Libraries.

109.—Departmental libraries shall be considered part of the working equipment of the departments to which they are attached, to be provided in the same manner as other equipment, *viz.*, by purchase with funds allowed the departments in the annual budget, or with special funds otherwise available for the use of the departments.

Departmental libraries,

The book funds of the general library shall not be diverted to the purchase of books for departmental libraries.

not from book funds,

The heads of departments shall have responsible control of the books in their respective departmental libraries, and shall see to their proper care and use under such general regulations, applicable to all departmental libraries, as may be approved by the Board.

under care of department heads

The Librarian shall have authority to deposit permanently in departmental libraries duplicates from the general library; and also to deposit in department libraries, subject to recall, such other books from the general library as may be required in the work of the departments.

Duplicates in departmental libraries

### Expenditures for the Library.

110.—The professors and instructors in the Academic Colleges shall, at least once a year, prepare lists of books relating to their respective departments, which they recommend for purchase for the general library. The Librarian shall examine such lists and see that they contain no unnecessary duplicates.

Lists of books for purchase,

These lists shall be given to the Librarian at such times as the Academic Senate, subject to the approval of the Committee on Library and Museum, may determine. In

case of non-compliance with this order, the funds may be again allotted. The Librarian and the President of the University shall revise and adopt the lists of books to be purchased; and the lists, as revised and adopted, with the estimated prices, shall be filed with the Secretary, who shall issue the necessary orders and purchase the books, provided the total expenditure shall not exceed the amount previously authorized by the Board to be so expended.

to be revised  
and ordered

Binding

111.—The Librarian is authorized to incur expense for binding books at or near the close of one fiscal year, payable from funds of the next succeeding year.

Book funds,  
restriction

112.—Funds given to the University for the purchase of books for the library shall not be used for stationery, stamps, incidentals, or for the binding of books or periodicals purchased with other funds.

#### Reese Library.

Reese library  
fund

113.—The principal of the fund given to the University by the late Michael Reese shall remain an invested fund, and the interest thereof shall be used for the purchase of books. The books purchased and to be purchased from the income of this fund shall constitute the Reese Library of the University of California. This library shall be general in its character, and shall include judiciously selected works pertaining to literature, science, and the arts.

Interest to be  
spent for books  
of general  
interest

[See page 206.]

#### Book Loans to Other Libraries.

Loans to other  
libraries

114.—Under the direction and by permission of the Committee on Library and Museum, the Librarian is authorized to loan books to other libraries in the United States which are willing in turn to loan books to the University Library; and under the following conditions:

The borrowing library shall be responsible for all books while loaned and in transit, and shall make good any loss or damage to the satisfaction of the lending library.

Books shall be sent and returned by express (not by mail), and all expense of carriage, both ways, shall be paid by the borrowing library. Books must be packed with great care to prevent damage while in transit.

Before delivery of books to the individual borrower he shall pay to the Secretary the expense incurred therefor; but he may place before the Academic Senate a demand for reimbursement which may be allowed, subject to the approval of the Committee on Library and Museum.

Expense

Upon receipt and upon return of borrowed books the respective librarians shall immediately send acknowledgment; and any claim for damage must be based on collation and examination made immediately after the return of the books.

Books in frequent use, or those of great rarity or of extraordinary value, may be loaned only in the discretion of the Librarian with the approval of the Committee on Library and Museum.

Restriction

The period for which loans are granted is left to the discretion of the Librarian.

115.—The Director of the Lick Observatory is authorized in his discretion to lend any book in the Lick Observatory Library to any member of the University.

Lick Observa-  
tory Library

### Conduct of the Library.

116.—Students in the Academic Colleges desiring to withdraw books from the Library must present to the Librarian certificates of admission, signed by the Recorder. Students in the colleges affiliated with the University desiring to withdraw books from the Library must present

Rules for  
withdrawal of  
books

to the Librarian certificates, signed by the Deans of such colleges, showing that they are students in such colleges, and must deposit five dollars, to be held as security for the safe return of books withdrawn. The deposit shall be returned when the student relinquishes this privilege, provided there be no unpaid charges against him.

**Fines**            A fine of five cents per day shall be paid for each book retained by a student longer than the time specified, and also the cost of messenger service or of notification, when necessary. The amount of such fine may be increased by the Librarian in special instances, subject to the approval of the Committee on Library and Museum.

**Use of library  
by outsiders,**    117.—Persons who desire to pursue courses of study or reading without becoming members of the University, may obtain the privileges of the Library, including the privilege of withdrawing books. Each application for such privileges shall be endorsed by two members of, and be approved by, the Academic Senate, and shall be accompanied by a receipt from the Secretary of the payment of an annual fee of ten dollars. Such privileges shall lapse on the thirtieth day of June of each year following, but may be renewed on application to the Librarian after payment of the annual fee.

**and by  
graduates**        118.—Graduates of the University desiring to withdraw books shall file with the Librarian certificates of graduation signed by the Recorder, and countersigned by the Secretary, and shall deposit five dollars, to be held as security for the safe return of books withdrawn. The deposit shall be returned when the graduate relinquishes this privilege, provided there be no unpaid charges against him.

**Privilege of  
library, who  
entitled to**      119.—Regents, Professors, Instructors, Astronomers, and other officers of the University (including those of the affiliated colleges), officers of institutions of higher learning in Berkeley, visiting officers of other institutions, and such



benefactors of the University and other persons as may be designated by the Committee on Library and Museum, shall have the privilege of withdrawing books from the Library.

120.—The Library shall be open on such days and during such hours as the Librarian and the Committee on Library and Museum shall determine. Rules for the department of those who use the Library shall be formulated from time to time by the Librarian with the approval of the Committee on Library and Museum.

When library  
to be open

Department

### Limitation of Circulation.

121.—All books acquired either by the general library or by departmental libraries, by purchase or by gift, shall pass through the accession and catalogue division of the general library, for proper record, before becoming available for circulation.

Cataloguing  
of books

122.—Any person who fails to return any book to the Library, shall, upon demand of the Librarian, pay to the Librarian the value of such book. The failure to return or pay for any book shall debar such person from further privileges of the Library. All books must be returned whenever called for by the Librarian.

Return of  
books.

123.—Before the Wednesday next preceding Commencement Day of each year every member of the Academic Senate shall return to the Library all books not in current use, and shall verify the list of those he may desire to retain, to the satisfaction of the Librarian.

annually

124.—Encyclopædias, gazetteers, atlases, dictionaries, bound newspapers, sets of periodicals, prints, costly works of fine art, works of great rarity, those presented to the Library on condition of being used for reference only, and such others as may be designated by the Committee on Library and Museum, shall be used in the Library only, and shall not be taken therefrom.

Books not to  
be withdrawn  
at all,

and those  
subject to with-  
drawal after  
thirty days

Works of rarity or of considerable value in respect to typography, illustration, or binding, sets of periodicals and current periodicals of interest to more than one department of instruction shall not be withdrawn from the Library until thirty days after their receipt. Periodicals of special interest to any one department may be removed to seminary rooms in any building of the Academic Colleges for a period not exceeding thirty days.

Other works not comprised under paragraphs one and two of this Article, including single volumes of bound periodicals and unbound back numbers of periodicals not difficult to replace, may be withdrawn under conditions elsewhere specified in these Orders.

Charging of  
books

No books shall be taken from the Library except by permission of the Librarian, nor until after they have been duly charged to borrowers. A complete record thereof shall be kept by the Librarian.

Penalty for  
violation of  
rules

125.—Any borrower for wilful violation of these rules of the Library may be debarred by the Librarian from withdrawing books during the remainder of a current term, and for such other specified time as the President of the University may direct.

#### Art Gallery.

Permission  
necessary for  
placing portraits

126.—No portrait or painting shall be placed in the University Art Gallery unless by permission of the Board.

#### Laboratory Deposits.

Deposit payable  
in advance

127—All students using the several laboratories must make a deposit with the Secretary for each term in advance.

The amount of such deposit shall be designated by the President of the University, and shall be estimated to cover the cost of the materials to be used.

128.—The President of the University may remit or permit to be deferred the payment of laboratory deposits in the case of students unable to pay the same. May be remitted

129.—The officer in charge of a laboratory is authorized to permit any worthy student to render services in the laboratory, on account of his laboratory fees, at the rate of twenty cents an hour. The Secretary is authorized to give such student credit for such services on certification by such officer. Labor a substitute for deposits

130.—Laboratory deposits, or the remainder thereof after settlement, shall be returned to the students making the same upon the surrender of the deposit receipts therefor. Return of deposits

131.—Checks for the refund of laboratory deposits shall be payable by the Treasurer when signed by the officer in charge of the laboratory and by the Secretary. Checks

### ASTRONOMICAL DEPARTMENTS.

132.—The official designation of the Lick Observatory and Telescope on Mount Hamilton shall be "The Lick Astronomical Department of the University of California." Lick Observatory

133.—The remainder of the \$700,000 given by James Lick for the foundation and endowment of the Lick Observatory and such other sums as may from time to time be given, bequeathed, or provided for the endowment of the Lick Observatory, shall be known as the "Endowment Fund of the Lick Astronomical Department of the University of California," and shall be kept separate and apart from all other funds of the University. A separate account shall be kept of this fund; and its annual earnings, or so much thereof as may be necessary, shall be used for the support of the Lick Observatory. The accounts of the fund shall be balanced at the end of each Endowment fund

fiscal year, and any unexpended balance may be either added to the principal and become an integral part thereof, or may be added to the income of the succeeding fiscal year, and be expended in that fiscal year, or subsequently, in the discretion of the Board. Other sums of money may be set apart for the support of the Lick Observatory in the annual budget, in the discretion of the Board.

[See pages 30, 180.]

Salaries, how  
paid

134.—The salaries of the officers and employés of the Lick Observatory shall be paid in the manner in which the salaries of the Professors in the Academic Colleges are paid.

Budget

135.—At the beginning of each fiscal year the Finance Committee shall arrange a separate budget for the Lick Observatory. The budget shall be submitted to, and approved by, the Board and shall not be deviated from except upon its order.

Officers of Lick  
Observatory

136.—The officers of the Lick Observatory shall be a director whose title shall be Director and Astronomer of the Lick Observatory of the University of California; Astronomers and Assistant Astronomers of the Lick Observatory; and such other officers and employés as shall be appointed or employed by the Board. The officers and employés shall be provided at Mount Hamilton with quarters to be assigned them by the Director.

Director

137.—The Director shall have supervision of all the scientific and administrative affairs of the Lick Observatory, and conduct its scientific and other correspondence, being responsible directly to the Board for the performance of his duties. He shall make an annual report to the President of the University on the first day of September in each year. Scientific and other work of the Lick Observatory shall be assigned by the Director to the Astronomers and other officers.

138.—The Director shall forward to the President of the University all proper communications to the Board from officers or employés of the Lick Observatory. The communications shall be presented to the Board by the President of the University at the next regular meeting of the Board after they shall have been received.

Communica-  
tions for Board,

139.—No communications to journals, purporting to emanate from the Lick Observatory, or relating to the work of the Lick Observatory, shall be made by officers or employés thereof without the formal approval of the Director.

and for journals

140.—Vacations without loss of pay, not to exceed two months in each calendar year, may be granted by the President of the University, on the recommendation of the Director, to the Astronomers and officers of the Lick Observatory; and by the President of the University to the Director.

Vacations for  
Lick Observa-  
tory staff

141.—The President of the University shall provide from time to time for the delivery of lectures on astronomical subjects at the seat of the University by the Astronomers of the Lick Observatory. The number and the dates of these lectures shall be so arranged as to interfere as little as possible with the astronomical work at Mount Hamilton.

Lectures at  
Berkeley

142.—The names of the two branches of the general Astronomical Department of the University of California shall be, "The Lick Astronomical Department," which shall be at Mount Hamilton, and the "Berkeley Astronomical Department," which shall be at the seat of the University.

Names of  
Astronomical  
departments

143.—All undergraduate instruction in astronomy, and such graduate instruction therein as shall not be carried on at the Lick Observatory under the direct teaching of the Lick Observatory staff, shall be in charge of the Faculties

Instruction in  
Academic  
Colleges,

and in Lick  
Observatory

of the Academic Colleges, of which the Astronomers and Assistant Astronomers of the Lick Observatory shall be members. All instruction at the Lick Observatory shall be in charge of the Astronomers and Assistant Astronomers of the Lick Observatory, and shall be restricted to such students as are qualified to be on the footing of astronomical assistants.

Admission of  
students to Lick  
Observatory

144.—Properly qualified students may be received at the Lick Observatory on the recommendation of the Director and of the Academic Senate with the approval of the President of the University. All candidates for higher degrees in astronomy shall spend at least one year in study at the seat of the University.

Visitors' nights

145.—Regular nights in each month, not exceeding one in each week, shall be set apart by the Director for the reception of visitors at the Lick Observatory. Visitors will be received on those nights between certain hours to be designated by the Director, and at no other times.

## PROFESSIONAL COLLEGES.

### College of Medicine.

College of  
Medicine,

146.—There shall be a college known and designated as the College of Medicine of the University of California. The several professors in the College of Medicine shall be appointed by the Board, and shall hold their positions upon the same basis as the other professors of the University.

[See pages 16, 112.]

under control  
of Board

147.—The Board shall have the same control, conduct, and direction of the College of Medicine in every respect that the Board has of the other colleges and departments of the University.

148.—The Faculty of the College of Medicine shall have power, subject to the approval of the Academic Senate, to determine the qualifications for admission of students thereto, to establish the course of study therein, and to make regulations, not inconsistent with the law and the orders of the Board, for the preservation of order and for the management of the internal affairs of the College.

Faculty,  
powers of

149.—Matriculation and tuition fees in the College of Medicine shall be fixed by the Board. Laboratory and other fees shall be fixed by the President of the University.

Fees

150.—All purchases of materials and supplies for the College of Medicine shall be by requisition signed by the Dean of the College and approved by the President of the University and by the Secretary. All bills incurred shall be approved by the Dean of the College and by the proper Committees, and shall be presented to the Board for approval.

Purchases

151.—All moneys collected by the Dean of the College, or by any other officer or agent of the Board, for account of the College of Medicine, shall be deposited immediately with the Treasurer and by him credited to the College.

Moneys

152.—Receipts for moneys received by the College of Medicine shall be made in triplicate; and one copy thereof shall be given to the person making the payment, a second copy shall be kept on file in the College, and a third copy shall be forwarded to the Secretary.

Receipts

153.—No warrant shall be drawn for any expenditure incurred by the College of Medicine, unless there shall be at the time sufficient moneys in the hands of the Treasurer to pay the same.

Limitation on  
drawing  
warrants

**College of Dentistry.**College of  
Dentistry

154.—There shall be a college known and designated as the College of Dentistry of the University of California. The several professors in the College of Dentistry shall be appointed by the Board, and shall hold their positions upon the same basis as the other professors of the University.

Powers of  
Faculty

155.—The Faculty of the College of Dentistry shall have power, subject to the approval of the Academic Senate, to determine the qualifications for admission of students thereto, to establish the course of study therein, and to make regulations, not inconsistent with the law and the orders of the Board, for the preservation of order and for the management of the internal affairs of the College.

**Affiliated Colleges.**List of Affiliated  
Colleges

156.—The affiliated colleges are as follows:

The Hastings College of the Law.

The California College of Pharmacy.

The Post-Graduate Medical Department.

The Mark Hopkins Institute of Art.

No liability for  
expense

157.—No officer or employé in any affiliated college of the University shall receive any salary or wages as such from the funds of the University under the control of the Board, and no liability shall be incurred on behalf of the Board by any officer or employé in any affiliated college.

[See pages 22, 30.]

Diplomas

158.—The affiliated colleges of the University shall supply their own diplomas.

College of  
Pharmacy

159.—The Degree of Graduate in Pharmacy shall be conferred by the Board in accordance with such terms as the Faculty of the College of Pharmacy may from time to time determine. Such other degrees may be established as the Academic Senate may recommend and the Board approve.



## UNIVERSITY EXTENSION.

160.—There shall be a department known and designated as the Department of University Extension, which shall be in immediate charge of a Director, whose field of work shall be separate from that of the regular courses established in the University.

University  
Extension

The Academic Senate shall supervise the courses of instruction given in this department, and determine the value, in the curriculum for any degree, of certificates given students for the completion of such courses.

Supervision

Fees, to be fixed by the President of the University, may be collected from attendants upon University Extension courses.

Fees

## SUMMER SESSION.

161.—A Summer Session is authorized in the Academic Colleges, to continue for six weeks during the summer vacation.

Length of  
Summer  
Session

Members of the Academic Senate who give instruction in the Summer Session shall receive a stated remuneration therefor, to be fixed by the President of the University. The President of the University is authorized to employ, when necessary for instruction in the Summer Session, persons not members of the Academic Senate and to fix their remuneration for such service.

Instructors

The Academic Senate shall determine the value, in the curriculum for any degree, of certificates given students for work done by them in the Summer Session.

Credit for  
degrees

For the support of any one Summer Session the Board will guarantee an amount equal to the receipts of the Summer Session immediately preceding.

Guaranty

Fees to be fixed by the President of the University may be collected from the students of the Summer Session.

Fees

## DIPLOMAS.

**Signatures and seal on diplomas** 162.—The signatures of the President of the Board, of the President of the University, and of the Secretary, and the seal of the Regents of the University shall be placed on all diplomas.

**Duplicates** 163.—The President of the University is authorized to issue duplicates of diplomas in case of the loss or destruction of the originals.

## THE PRESIDENT OF THE UNIVERSITY.

**President to have charge of all officers and employés** 164.—The President shall be charged with the direction, subject to the Board, of all officers and employés of the University.

**Initiative in appointments, etc.** 165.—The President shall have the sole initiative in appointments and removals of professors and other teachers and in matters affecting their salaries.

**Communications from Academic Senate,** 166.—All communications to the Board from the Academic Senate shall be presented to the Board by the President at the next regular meeting of the Board after they shall have been received by him.

**and from members thereof** 167.—The President shall be the sole organ of communication between the members of the Academic Senate and the Regents. Communications from professors and instructors intended for the Board shall be forwarded through the President of the University and be filed by him.

**Supervision of laborers** 168.—The President is authorized to employ, dismiss, and direct the duties of laborers, janitors, artisans, policemen and watchmen.

**Control of property** 169.—The President shall have control of the grounds and the care of all University property, except as otherwise provided by the orders of the Board.

170.—The President is authorized to assign the lecture and recitation rooms, and to permit the use of halls for lectures and other purposes. Assignment of rooms

171.—The University printing office shall be in charge of the President. Printing office

[See pages 22, 28, 33.]

### PROFESSORS AND INSTRUCTORS.

172.—No one in the service of the University shall impair his service by devoting to private purposes any portion of the time due by him to the University. Employment of time for private advantage

173.—If any University material be used in work for which extra personal compensation is received, by any member of the University, a strict account shall be rendered for all materials so used, and payment be made therefor. Use of material

174.—A professor who, after twenty years of service in the University, shall have attained the age of seventy years, shall be appointed professor emeritus with pay at the rate of two-thirds of the salary paid him during the year next preceding such appointment. Retirement as professor emeritus

175.—In case of the death of any officer of the University his salary shall continue until the end of the current month. Continuance of salary after death

#### Leaves of Absence.

176.—No salary or compensation shall be paid to professors, instructors, or other officers or employes of the University unless they shall be actively engaged in some department of the University; but such service may, upon recommendation of the President of the University and with the approval of the Board, be performed elsewhere than at the seat of a department of the University. Detail for work abroad

Absence from  
duties

177.—No officer of instruction in the faculties of the Academic Colleges shall absent himself from his duties at the University during the academic year, ending with Commencement Day, without leave of absence granted in accordance with the orders of the Board.

Leave for  
thirty days

178.—Leaves of absence may be granted to professors, instructors, and other officers and employés of the University for good cause, without loss of pay, by the President of the University for a period not exceeding thirty days, and for a longer period by the President of the University with the approval of the Board.

Leave for  
sabbatical year

179.—Professors, associate professors, and assistant professors in the faculties of the Academic Colleges shall be entitled to leaves of absence of one year after six years of continuous service, upon recommendation of the President of the University, with the approval of the Board, with pay at the rate of two-thirds of the salary paid them during the year next preceding such leave of absence; provided, that in the cases of those who, on December 12, 1899, were professors in the University and had not yet enjoyed the privilege of a year's absence on full pay, the first leave of absence granted may be with full pay.

#### STUDENT AFFAIRS.

Adviser

180.—A salaried officer shall be appointed by the Board to be known as Adviser, who shall assist the President of the University and the Faculties of the Academic Colleges in matters pertaining to the general and personal interests of the students of the Sophomore and Freshman classes.

Fee for special  
examinations,

181.—A fee of five dollars shall be charged students for special examinations; provided that ten dollars only shall be charged for special examinations in two or more courses in any half-year. The President of the University is authorized to remit such fee to any student who is unable to pay the same.

182.—Undergraduates in the Academic Colleges shall be charged a fee of two dollars for late registration. and for late registration

183.—The Secretary shall require all students who may be indebted to the University or who have made deposits for any purpose, to make settlement before Commencement Day of the year following graduation. In case of their failure to make such settlement, all their deposits shall be forfeited to the University. Settlement of indebtedness

184.—Excuses given to students in the Academic Colleges for absence on account of illness shall be signed by one of the medical examiners. Absence from illness

185.—No boarding-house shall be placed on the approved list the sanitary condition of which has not been certified to by the University Board of Health, after personal examination by one or more of the members thereof. Boarding-house inspection

#### UNIVERSITY PRINTING OFFICE.

186.—The Printer shall do no work and furnish no materials without a written order therefor; shall deliver no work without taking a receipt therefor on the order itself; shall keep a record of all work done, and for whom done; and shall report monthly to the Secretary a list of work done, together with the orders, receipts, and copies of matter printed. Rules of printing office

187.—The President of the University may permit printing for officers of the University, affiliated colleges and organizations connected with the University but not officially a part of it, to be done at the University printing office at cost. Unofficial printing

#### STATE PRINTER.

188.—All orders and requisitions from the University upon the State Printer shall be made by the Secretary, and shall be reported to the Board Orders on State Printer

**UNIVERSITY SITE.**

License for use  
of roads

189.—The privilege of using any roads in the University grounds is a mere license, revocable at the pleasure of the Board.

[September 1, 1885.]

Site to be kept  
intact

190.—The University site shall be kept intact for the sole use of the University, and no public avenues or streets shall be permitted through the same.

[See page 323.]

**SUPERINTENDENT.**

Duties of  
Superintendent

191.—A Superintendent shall be appointed by the Board whose duty, subject to the direction of the President of the University, shall be to have the charge of laborers, janitors, artisans, watchmen and policemen, employed by the University. The Superintendent shall make monthly reports to the President of the University of all work done by such persons.

**LAND GRANT.**

Fees for patents

192.—The Land Agent is required and instructed to collect the following fees for issuance of patents under the Agricultural College Grant of one hundred and fifty thousand acres: For each and every application, a fee of five dollars. For each one hundred and sixty acres, or fractional part thereof, the fee of the Secretary of State for affixing the seal of the State to said patents.

[October 15, 1884.]

Assignment  
of contracts

193.—No assignments of contracts shall be accepted unless of advantage to the University; and when the original applicant is financially responsible, he shall be held responsible for all money due on land.

[January 18, 1890.]

[See page 337.]

**AMENDMENTS OF ORDERS.**

194.—Any proposal to amend any order of the Board shall be presented to the Board, in writing, and no action shall be taken thereon until the next regular meeting of the Board thereafter. Amendments

**REPEAL OF ORDERS.**

195.—All orders of the Board inconsistent with the orders printed in this Manual are hereby rescinded and repealed. Repeal

[November 8, 1904.]

## APPENDIX.

## Rulings of the Board.

- Charge of  
Laboratories
- 1.—The laboratories, museums, and shops in which instruction is given, shall be under the immediate charge of the officers of the department, and under the general direction of the professor in charge of the department.  
[Adopted June 1, 1886.]
- Division of  
Departments
- 2.—As subjects become more special a department may be divided, and independent heads given to each branch.  
[See page 18.]  
[Adopted June 1, 1886.]
- Faculty of  
College, who  
constitute
- 3.—The faculty of a college shall consist of those professors and instructors, and only those, whose departments are represented in it by required or elective studies.  
[See page 37.]  
[Adopted November 5, 1884.]
- Use of seals by  
Academic  
Colleges,
- 4.—The Academic Colleges of the University are not corporate bodies, and the use of seals by them has no legal force. Seals are unnecessary for the transaction of collegiate business.  
[Adopted December 14, 1897.]
- and by Affiliated  
Colleges
- 5.—The right to use a seal for all affiliated colleges is given by Section 2 of the Act of March 21, 1868 and the corporate seal of the Regents is provided for by Article 73.  
[See pages 108, 294.]  
[Adopted September 22, 1897.]
- Wilmerding  
School
- 6.—The Board of Regents will, in accordance with the purpose of Mr. Wilmerding, establish a school wherein boys shall, as far as possible, be taught trades by practical work.  
[Adopted November 17, 1898.]  
[See page 205.]



7.—The applications of the Cooper Medical College and the College of Physicians and Surgeons for an order granting the degree of Bachelor of Science to their graduates, are denied, for the reason that these are not departments of the University, and under Section 9 of the Organic Act and Section 1397 of the Political Code the degree of Bachelor of Science can only be conferred after examination of applicants by some Faculty of the University and their recommendation to this Board. Of course, the students of either of the institutions mentioned, or any "students who shall have passed not less than a full year as resident students in any college, academy, or school in this State, and after examination by the respective Faculty of such college, academy, or school, are recommended by such Faculty as proficient candidates for any degree in any regular course of the University, shall be entitled to be examined therefor at the annual examination (of our University), and on passing such examination shall receive such degree for that course and the diploma of the University therefor, and shall rank and be considered in all respects as graduates of the University."—(Section 9, Organic Act.)

Conferring of degrees upon graduates of other Medical colleges

[See page 23.]

[Adopted September 22, 1897.]

8.—The Regents will not sell any portion of the University site.

No sale of University site

[See pages 29, 320.]

[Adopted October 9, 1894.]

9.—The application of Messrs. Phelps and Richards requesting the use by sufferance of a continuation of College Way one hundred and sixty feet in University grounds, is refused, in view of the trusts of grants to the University, and to avoid future complications.

No license for roadway,

[Adopted June 25, 1889.]

nor for erection  
of building

10.—The communication of the President of the Board of Education to this Board, with reference to the purchase or rental of a portion of the University grounds for the purpose of erecting a High School building thereon, was duly received and referred to the Committee on Grounds and Buildings. The Committee does not favor any proposition for the dismemberment of the University grounds for any purpose whatever, and would therefore recommend that the Secretary of the University be instructed to inform the President of said Berkeley Board of Education, by letter, that their proposition either to purchase or rent will not be further entertained.

[Adopted September 24, 1895.]

License for  
sewer

11.—The application of the Trustees of the town of Berkeley, to connect a town sewer with the sewer now laid in Allston Way, is hereby granted, provided always and upon the following conditions and limitations: That the said connections with the sewer in Allston Way, and the use thereby made of said Allston Way, is and shall ever be a mere license allowed to said town of Berkeley, and to the inhabitants thereof, who may use and enjoy the same, revocable at any time at the will and pleasure of the Regents of the University of California, under the express agreement, on the part of the Trustees of the town of Berkeley and said inhabitants thereof, that no length of time for which said connection and sewer may be used shall ripen into any right or easement or interest in or to said Allston Way, or to the sewer therein.

The said connection and the materials therefor shall be made and furnished without cost or any expense to the Regents of the University of California, but under the supervision and control of a competent superintendent, to be appointed therefor by the Secretary of the University, and to the satisfaction of the said Secretary; that the macadam on said Allston Way to be removed shall be

replaced, and said Allston Way, where disturbed, shall be repaired and left in a condition satisfactory to said Secretary; and that said connection shall be made through new joints with necks.

A copy of these resolutions, signed by the Secretary and under the seal of the University, shall be transmitted by the Secretary of the Board to the Trustees of the town of Berkeley, as authority for said sewer connection.

[Adopted July 11, 1893.]

12.—*To the Regents of the University of California:* Certain friends of the University, including alumni, Regents, members of the faculty, Seniors, and others, adopting a plan originating in the Golden Bear Society, offer to build, at an expense of not less than three thousand dollars, and to present unconditionally to the University, a hall for the use of the Senior Class, to be known as Senior Hall, and to be used for general gatherings of the class, Senior committee meetings, and such functions as the Senior Singing. It is suggested that the building should be situated in the cañon, immediately east of the Dining Association, and built according to plans drawn by Professor John Galen Howard, Supervising Architect of the University, who has kindly offered his services in this connection. It is believed that such a building would be of great service to the University in furthering unity, loyalty, and good feeling, and in promoting that leadership of the Senior Class which is so important for the best interests of the University.

Offer of Senior  
Hall

for certain  
purposes

#### MEMBERS OF THE GOLDEN BEAR SOCIETY.

[September 8, 1903.]

In order that Senior Hall, when completed, shall have proper care and attention without expense to the Regents, the Committee on Grounds and Buildings recommends that the Society of the Golden Bear, which includes in its membership representative seniors, alumni,

Golden Bear  
Society to have  
use of room

members of the Faculty, Regents, and friends of the University, be allowed the use of a small room in the building, they having undertaken to defray the expense of the care and maintenance of said building.

[Adopted September 8, 1903.]

Use of cottage  
by Dining  
Association

13.—In the matter of the petition of the Faculty for the use of one of the University cottages as a restaurant, the Finance Committee recommends that the Faculty be allowed to use the middle cottage of the three upper cottages. This cottage must be kept in good repair, and shall remain under the supervision of the Secretary, and shall be returned to the Board of Regents on demand at any time.

[Adopted October 10, 1893.]

Medical college  
to use  
Law college  
building

14.—WHEREAS, The Hastings College of the Law has declined to use the building intended for it, in the group of buildings erected for the use of the professional and affiliated colleges and other departments of the University of California, erected pursuant to the Act of the Legislature of the State of California, approved March 23, 1893 [1895]; and

WHEREAS, The Medical Department of the University has present and prospective use for the same;

*Resolved*, That the Medical Department of the University of California shall have the use of the whole or such parts of said building formerly intended for the Hastings College of the Law, as may be necessary or proper for the purposes of a Medical School.

The Committee on Grounds and Buildings is authorized to permit the Medical Department to occupy so much of the space in the Law Building as shall be necessary or proper for the purposes of the Medical Department.

[See page 188.]

[Adopted April 19, 1901.]

15.—The law in relation to the subject of affiliations is found in the following provisions:—In Sections 8, 9, 12, and 18 of the Organic Act and the reënactment thereof in the Political Code. Limitations in Affiliation

Under the provisions of the law, "any incorporated college of medicine or law, or other special course of instruction" may be affiliated with the University "upon such terms as to the respective corporations may be deemed expedient," subject to the following statutory limitations:

(1) Such affiliated college shall not be deprived of its own property;

(2) Nor of its own Board of Trustees;

(3) Nor of its own Faculty;

(4) The President of the University is a member and President of the Faculty of the affiliated college;

(5) The University must not become liable for any acts or contracts of the affiliated college;

(6) The University must grant to the students of the affiliated college the degree of its course, when so recommended by its Faculty;

(7) The University must grant to all prior graduates of the affiliated college the same degree from the University which has been granted by the affiliated college.

[See pages 22-3, 28, 38.]

[Adopted September 22, 1897.]

#### **Articles of Incorporation of The Regents of the University of California.**

16.—THIS IS TO CERTIFY: That pursuant to the provisions of An Act of the Legislature of the State of California, entitled "An Act to create and organize the UNIVERSITY OF CALIFORNIA," approved March 23d, A.D. 1868, the undersigned, Henry H. Haight, Governor of the State of California, William Holden, Incorporation

Lieutenant Governor, and O. P. Fitzgerald, State Superintendent of Public Instruction, three of the persons indicated in and by such enactment as trustees and directors of the corporation thereby directed to be created, have associated ourselves together for the purposes mentioned in and by said enactment, and to form a corporation for such purposes by the name and style designated in and by said enactment, which is

Corporate title "THE REGENTS OF THE UNIVERSITY OF CALIFORNIA."

The names of the members of said Board and the terms of service of appointed and honorary members are as follows:

#### EX-OFFICIO MEMBERS.

Original  
members

H. H. HAIGHT,	Governor.
WILLIAM HOLDEN,	Lieutenant Governor.
C. T. RYLAND,	Speaker of the Assembly.
O. P. FITZGERALD,	Superintendent of Public Instruction.
A. S. HALLIDIE,	President of the Mechanics Institute.
C. F. REED,	President of the State Agricultural Society.

#### APPOINTED MEMBERS.

SAMUEL MERRITT,	two years.
JOHN T. DOYLE,	four years.
R. P. HAMMOND,	six years.
J. W. DWINELLE,	eight years.
H. STEBBINS,	ten years.
L. ARCHER,	twelve years.
WILLIAM WATT,	fourteen years.
S. B. MCKEE,	sixteen years.

## HONORARY MEMBERS.

I. FRIEDLANDER,	two years.
EDWARD TOMPKINS,	four years.
JOHN B. FELTON,	sixteen years.
A. J. BOWIE,	twelve years.
A. J. MOULDER,	ten years.
J. MORA MOSS,	six years.
S. F. BUTTERWORTH,	eight years.
F. F. LOW,	fourteen years.

H. H. HAIGHT,  
Governor.

WM. HOLDEN,  
Lieutenant Governor.

O. P. FITZGERALD,  
Supt. Public Instruction.

Dated June 12, 1868.

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

On this twelfth day of June, A.D. one thousand eight hundred and sixty-eight, before me, HENRY HAIGHT, a Notary Public in and for said City and County, duly commissioned and sworn, personally appeared the within named H. H. HAIGHT, Governor, WM. HOLDEN, Lt. Governor, and O. P. FITZGERALD, Supt. of Public Instruction of the State of California, personally known to me to be the individuals described in and who executed the annexed instrument, and they severally acknowledged to me that they executed the same as said officials freely and and voluntarily and for the uses and purposes therein mentioned.

Notary's  
attestation

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this Certificate first above written.

[SEAL.]

HENRY HAIGHT,  
Notary Public.

[See page 108.]

### California College of Pharmacy.

17.—In accordance with the organic act of the University of California, the California College of Pharmacy is hereby affiliated with the University upon the following basis:

The College will maintain its own Board of Trustees, and will continue to hold its own property, as if this affiliation had not been agreed upon. The College will also appoint its own professors and establish its own course of instruction, subject to the general approbation of the Regents of the University. The University will confer the degree of Graduate in Pharmacy upon candidates recommended by the Board of Examiners of the College, and approved by a committee to be appointed by the Regents. This agreement may be canceled by mutual consent at any time, or by the withdrawal of either party to it, after twelve months' notice to the other party.

[Adopted June 2, 1873.]

### Hastings College of the Law.

18.—The institution known as the Hastings College of Law shall be affiliated with the University of California, and made an integral part of the same, and incorporated therewith, upon the following terms and conditions, which are hereby made a part of such affiliation and incorporation:

*First*—The Directors of said college named in the Act of the Legislature which organized it, approved March 26, 1878, shall have authority to fill vacancies in their Board



when the same occur, as prescribed in the said Act, subject to the approval of the Board of Regents of said University, except in so far as qualified by the next section.

[See page 104.]

Conditions of  
Affiliation of  
Hastings  
College of the  
Law

*Second*—Hon. S. Clinton Hastings, as founder of said college, and his legal representatives, shall always be entitled to have the appointment from his heirs or representatives of one of said Directors, without such appointment being subject to the approval of said Board of Regents.

*Third*—The Faculty of said college shall have the authority to present to said Board of Regents the names of such students of said college as they recommend for diplomas, and the said Board of Regents shall issue diplomas to said students, subject to the right of said Regents to refuse the same for cause.

*Fourth*—As soon as practicable, there shall be set apart for the use of the students of said college some room or suitable hall at the University.

*Fifth*—The present Dean of said college, the Hon. S. Clinton Hastings, shall, during his lifetime, have a seat in the Academic Senate of said University, be a member thereof, and have a vote therein.

*Sixth*—The said college shall be subject to the dominion of the said Board of Regents in all matters pertaining to its management and welfare.

*Seventh*—The number and duties of the professors of said college shall be prescribed, and the business of said college managed, by said Board of Directors, subject to the approval of said Board of Regents.

[Adopted August 7, 1879.]

**San Francisco Polyclinic (Post Graduate Medical Department.)**

Conditions of  
Affiliation of  
San Francisco  
Polyclinic

19.—*First*—The San Francisco Polyclinic shall be affiliated with the University of California, and shall be known as the "Post Graduate Medical Department of the University of California."

*Second*—All property now owned or hereafter acquired by the San Francisco Polyclinic shall be and remain under its exclusive control, with full power of management and disposition.

*Third*—The members of the present Staff of the San Francisco Polyclinic shall be the Faculty of the "Post Graduate Medical Department of the University of California." All vacancies in said Faculty shall be filled, and additions to and removals from said Faculty shall be made in the following manner: The motion for such action shall be by the San Francisco Polyclinic; appointment and removal shall be by the Regents of the University of California, and at their discretion.

*Fourth*—The Faculty of said "Post Graduate Medical Department of the University of California," shall at present, consist of the following-named chairs:

#### I. MEDICINE.

Internal Medicine, Diseases of Nervous System, Heart and Kidneys, Diseases of Children.

#### II. SURGERY.

General Surgery, Genito-Urinary Surgery, Orthopedic Surgery, Gynecology, Ophthalmology, Otology, Rhinology and Laryngology, Dermatology and Venereal Diseases, Bacteriology, Pathology, Anatomy, Physiology, Chemistry.

*Fifth*—The Faculty of the "Post Graduate Medical Department" shall determine, subject to the approval of the

Regents of the University of California, terms of admission; shall charge such fees as may be fixed or ordered; *provided*, that graduates of the Medical Department of the University of California shall be exempt from paying the matriculation fee, and shall not be charged more than fifty (\$50) dollars each for the post graduate course, and ten (\$10) dollars each for diplomas; shall make recommendations to the Regents for the post graduate degrees; shall make such regulations, not inconsistent with the laws relating to the University of California, for the government of students and the management of the "Post Graduate Medical Department" as they may deem necessary.

*Sixth*—The affiliation herein provided for may be terminated by the withdrawal of either party thereto after twelve months' notice of such intention to withdraw has been given to the other party.

[Adopted March 15, 1892.]

#### San Francisco Art Association (Mark Hopkins Institute of Art)

20.—Whereas, the "San Francisco Art Association" is an incorporated body, conducting a special course of instruction in art, known as a "School of Design," and desires to affiliate with the University of California, pursuant to Sections 1391 and 1396 of the Political Code of California:\* be it

Conditions of  
Affiliation of  
San Francisco  
Art Association

*Resolved*, That the "San Francisco Art Association" be and hereby is affiliated with the University of California, upon the following terms:

First—Said association may retain the control of its own property;

Second—Have its own Board of Trustees;

Third—Have its own faculty;

\* [See pages 23, 38.]

Fourth—The students of said school, upon the recommendation of the faculty thereof, may receive such degrees or certificates of proficiency from the University of California as the Regents of the University may deem appropriate to the course of study pursued;

Fifth—Said association shall be allowed to occupy and use such portions of the buildings donated by Edward F. Searles to the Regents of the University of California as may be necessary for the instruction in and illustration of the fine arts by said association, consistent with the use of said property by the Regents under the trust deed for them.

#### **Agreement with San Francisco Art Association.**

Whereas, the San Francisco Art Association has become duly affiliated with the University of California pursuant to Sections 1391 and 1396 of the Political Code of California, and by the terms of such affiliation is allowed to occupy and use such portions of the building and premises donated by Edward F. Searles to the Regents of the University of California as may be necessary for the instruction in and illustration of the fine arts by said association, consistent with the use of said property by the Regents under the trust deed to them made by the said Edward F. Searles, the twenty-seventh day of February, 1893.

Now, therefore, it is agreed and understood by and between the Board of Regents of the University of California, hereinafter styled "the Regents," and the said San Francisco Art Association, hereinafter styled "the association," and the said Edward F. Searles, hereinafter styled "the donor," as follows:

*First*—The entire building and premises shall be maintained and kept in good order and repair by said association at its own expense; the association shall receive and apply any sums of money which may be given by the donor in aid of such maintenance as he may direct from time to

Agreement  
between  
Regents,  
Association,  
and E.F. Searles

Building to be  
kept in repair  
by Association

time, and said association may likewise apply, according to its discretion, to the same purpose, any sums contributed therefor by other persons. The donor agrees to provide the sum of five thousand dollars yearly, in semi-annual payments, commencing January 1, 1893, and continuing for five years from that date, for the purpose of maintaining the premises, such payments to be made to the association.

*Second*—In case the donor shall so request in writing, addressed to the Regents and the association, arrangements shall be made for the free admission of the public, at certain times and under proper rules, to be made by the association and approved by the Regents, to the galleries and reading-rooms. Admission to public

*Third*—The donor shall also have the right to make at his own expense any alterations in the building or premises, to adapt them more perfectly to the purposes for which they are intended under his deed of trust to the Regents, and he shall at all times during his life be consulted by the association during its term of occupancy, and by the Regents, should such term of occupancy by the association cease, in respect to any material change or alteration to the building or premises. He shall have the right at all times personally, or by agent duly appointed in writing for such purpose, to visit and inspect the premises and examine the books and accounts of the association in respect to any matters relating to the same, and the occupancy and management thereof by the association. Rights of donor

*Fourth*—A violation of the foregoing provisions numbered "Second" and "Third," by any act or neglect of the association shall forfeit all rights of the association hereunder, and said rights shall then devolve upon and vest in the Regents. A violation of said provisions by any act or neglect of both the association and the Regents, or of the Regents alone, shall constitute a breach of the trust created by the deed of trust from the donor to the Regents. Forfeiture of rights

Works of Art

*Fifth*—Any works of art or other articles which may be placed in the building by the donor shall be received by the association and held by it upon such terms and conditions as the donor may prescribe.

Regents' meetings

*Sixth*—The Regents shall have the right to hold meetings for the transaction of business in the building on the premises conveyed by the trust deed, under such arrangements as they may make with the association for that purpose.

Restriction in statements

*Seventh*—Any statement in the catalogue, or other publication of the Regents or the association in reference to the "Mark Hopkins Institute of Art," shall be confined in substance to the particulars of the deed of trust as contained therein.

Witness the seals of the above named corporations respectively, and the signatures of their respective Presidents and Secretaries, and the hand of the said donor, this twenty-seventh day of February, A.D. one thousand eight hundred and ninety-three.

[See page 185 and SECRETARY'S REPORT for 1893, pp. 43 ff.]

### Phebe Hearst Architectural Plan.

Acceptance

21.—*Resolved*, That this Board accepts the Phebe Hearst Architectural Plans of the University of California.

*Resolved*, That with a view of perpetuating the Phebe Hearst Architectural Plan of the University of California, and of obtaining their counsel and advice in the matter of the buildings to be constructed on the site of the University at Berkeley, the present jury of award, together with Charles F. McKim, Esq., Professor D. Despradelle, John M. Carrere, Esq., and John Galen Howard, Esq., be constituted a board of advisers, self-perpetuating, without the consent of a majority of whom no substantial alteration of the Phebe Hearst Architectural Plan of the University

Permanent committee

of California shall be made; the Regents expressing herein the hope that the international character of the jury shall always be maintained.

[See page 221.]

[Adopted December 14, 1900.]

### Instructions to, and Fees of, Land Agent.

#### 22.—*To the Land Agent of the University of California:*

SIR: Whenever it is brought to your notice that applicants for lands under the Agricultural College Grant have interfered, or are attempting to interfere, with the rights of settlers or persons in possession, you will report the facts to the Committee on College Lands for their action. You will not approve any location until after the expiration of thirty (30) days from date of the United States Register's acceptance of the same.

Rules for  
guidance of  
Land Agent

It will be your duty to communicate with the United States Land Offices, and ask that they take action upon all college applications that have been filed in their offices over ninety (90) days. If the Registers and Receivers of the United States Land Offices cannot decide in that time, you will get from them a statement of their reasons, and submit the same to the Committee on Lands.

In applications for timber land applicants will be required to furnish bonds for the payment of deferred payments, with two sureties, to be approved by the Finance Committee of the Board.

[Adopted March 3, 1885 ]

23.—The Land Agent shall collect a fee of two (\$2) dollars for each certified copy of papers on file in his office.

Schedule of  
Fees

[Adopted March 3, 1885.]

24.—Applicants shall pay to the Treasurer the following fees:

Fees For filing and making out papers for the United States Land Office, for every location of 320 acres or less, \$5.

For certificate of purchase, \$3.

For patent for each and every application, \$5.

For each 160 acres or fractional part thereof, \$1.

For locations embracing more than 320 acres, the same fees shall be paid for each 320 acres or fraction over in the location.

The fee for certificate of purchase shall be paid at the time the first payment of principal is made. The fee for patent, when the same is issued. The fee for filing must accompany the application.

[Adopted March 3, 1885.]

No certificate for a patent shall be issued by the Land Agent until all the fees for such patent are prepaid.

[Adopted October 20, 1885.]





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